A COMMENTARY ON

U. P.
Panchayat Raj Act, 1947

(As amended and brought up-to-date by U.P. Act No. X of 1950,
U. P. Act No. VI of 1952, U. P. (Second Amendment) Act
No. XVIII of 1952, and U. P. Amendment
Act No. II of 1955)

WITH

RULES & FORMS

(As amended up-to-date by Notification No. 5426/XXXIII
published in the U. P. Gazette dated 8th Sep. 1956)

BY

LALJEE PRASAD, ADVOCATE

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(AS AMENDED UP-TO-DATE)

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Rules and Forms as repealed and modified by Notification No 5426 XXXIII—296-56, dated September 8, 1956

BY

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The United Provinces Panchayat Raj Act, 1947.

(U. P. ACT No. XXVI OF 1947).

AS AMENDED BY THE UTTAR PRADESH PANCHAYAT RAJ (AMENDMENT) ACT, 1950 (U. P. ACT No. X OF 1950), THE UTTAR PRADESH PANCHAYAT RAJ (AMENDMENT) ACT, 1952 (U. P. ACT No. VI OF 1952), THE U. P. PANCHAYAT RAJ (SECOND AMENDMENT) ACT, 1952 (U. P. ACT No. XVIII OF 1952 AND U. P. PANCHAYAT RAJ (AMENDMENT) ACT No. II of 1955.

[Passed by the United Provinces Legislative Assembly on June 5, 1947, and by the United Provinces Legislative Council on September 16, 1947.]

(Received the assent of the Governor General of the Dominion of India on December 7, 1947, under section 76 of the Government of India Act, 1935, and was published in the United Provinces Government Gazette, dated December 27, 1947.)

An Act to establish and develop local self-government in the rural areas of the United Provinces.

Whereas it is expedient to establish and develop local self-government in the rural areas of the Uttar Pradesh and to make better provision for village administration and development;

It is hereby enacted as follows :

Object and reasons.—The Panchayat Raj Act, as its preamble shows, was enacted to establish and develop local self-government in the rural areas and to make better provision for village administration. The idea underlying the Act is that the village people should in all minor cases be able to settle their own disputes through a local tribunal which is expected to be in touch with local conditions and without any elaborate or complicated procedure[1] But in construing any enactment objects and reasons will not be relevant[2] and where the meaning of a section is clear interpreting the same otherwisy with the help of the objects and reasons is not permissible.[3]

Preamble.—The object of an enactment may be ascertained by looking into its preamble[4] and when a court has to interpret a section it has every right to look into the whole scheme of the Act and its preamble, etc. and then give the section its reasonable construction.[1] But the preamble will only be referred when the language of the section is doubtfull.[2] It is the preamble which lays down the object of an Act and the Act should be interpreted in its light.[3] But when the provision of an enactment is clear the preamble cannot restrict, modify or extend the same.[4]

---

[1] Kesho Datt *v.* Panchayati Adalat, 1953 A. L. J. 525 (F. B.)=A.W.R. (H.C.) 536.
[2] Kandan Textile Ltd. *v.* Industrial Tribunal, A. I. R. 1951 Mad. 616 (D. B.)
[3] Ahmedabad Municipality *v.* Bombay Government, A. I. R. 1946 Bom. 159 (D.B.)
[4] Gulab Chand *v.* Kudilal, A. I. R. 1951 M. B 1 (F.B.).

Principles of interpretation of Statutes.—It is a well recognized canon of construction of Statutes that a court must administer the law as it is and not as it should or would have been.[5] It is no use speculating about the intention of the Lagislature when the language of an enactment is clear and unambiguous[6] The court must give the words its plain and natural meaning.[7] It must gather the intention of the Lagislature from the words used in the enactment giving them their ordinary meaning.[8] The court should not add or substract anything more than what the language clearly indicates.[9] The function of the court is to interpret the law and not to make the same.[10]

CHAPTER I

Preliminary

1. **Short title, extent and commencement.**—(1) This Act may be called "the United Provinces Panchayat Raj Act, 1947."

(2) It shall extend to the whole of the Uttar Pradesh except [* *] the area, which has been, or may hereafter be, declared as, or included in, a municipality [or] notified area under the provisions of the United Provinces Municipalities Act, 1916, or as a cantonment under the provisions of the Cantonments Act, 1924, or as a town area under the United Provinces Town Areas Act, 1914.

[*Explanation.*—In this sub-section the expression 'Municipality' includes a municipal corporation established in accordance with the law for the time being in force.]

(3) It shall come into force at once.

Leg. changes.—By Amendment Act No. II of 1955 the following changes have been made in section 1 :—

In sub-section (2) of section 1 the words "the Jaunsar-Bawar Pargana of the Dehradun District and the portion of Mirzapur District, South of Kaimur Range and" have been deleted and for the "comma" occurring between the words "municipality" and "notified area" the word "or" has been substituted. The Explanation has been added.

Comments.

Commencement of the Act.—The commencement of any part of this Act cannot be postponed in view of the provisions of section 1(3) of the Act which provides that the Act shall come into force at once and whether section

---

[1] Radhakishen v. Ram Nagar Co-operative Society, A. I. R. 1951 Allahabad 341 (F. B.) ; 1950 A. L. J. 546.

[2] Rajpati Kunwar v. Surju Rai, A.I.R. 1936 Allahabad 507; 1936 A.W.R. 580; 1936 A.L.J. 659.

[3] Ram Kirpal v. Shri Krishna Deo, 1948 A. L. J. 11.

[4] Abdulla Khan v. Bahram Khan, A. I. R. 1935 Peshawar 69 ; C. Kannammal *v.* Kanakasahai Mudaliar, A. I. R. 1931 Madras 625.

[5] Ganga Sahai v. Nafis Bano, A. I. R. 1946 Allahabad 508; I. L. R. 1946 Allahabad 588.

[6] Narsingh Rao v. Surayyaraju, A. I. R. 1947 Madras 151 (D.B.).

[7] Baleshwar Chaube v. Ram Ranavijaya Prasad Singh, A. I. R. 1947 Patna 461.

[8] Federation Bank of India, Ltd., v. Hanut Mal Boid, A. I. R. 1951 Calcutta 382 (D.B.).

[9] Mumtaz Omadar v. Advocate General, A. I. R. 1946 Oudh 244 (D.B.).

[10] Emperor v. Tehal Ram, A. I. R. 1947 Lahore 261 (D.B.).

110 of the Act authorises the State Government to postpone the commencement of any part of this Act by any notification or not, is doubtfull.[1]

2. **Definitions**—In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Nyaya Panchayat" means a [Nyaya Panchayat] established under section 42 and includes a bench thereof ;

Comments.

'Panchayati Adalat,'—In *Asharfi Lal* v. *State* it was held that the Panchayati Adalat, as constituted under the Panchayat Raj Act, is a court and every member of such Adalat is a judge.[2] The Panchayati Adalat is also a corut within the meaning of the Contempt of Court Act and the High Court has power of superintendence over it.. The Panchayati Adalat is judicially subordinate to the High Court.[3] In view of this aspect of the matter the members of the Panchayati Adalat are officers of the court during the course of a judicial proceeding and are public servants under section 21, (5) and (10) I. P. C. When a person takes upon himself the duties and responsibilities of a public servant and performs the same which are recognized as such, he is a public servant.[4] Any legal defect in the right of such person for holding the office shall not debar him from having the same.[5] The objection whether a person is a public servant or not should be taken in the court of first instance and it cannot be taken for the first time in revision.[6] But according to the recent amendment the words "Nyaya Panchayat," have been substituted for the words "Panchayati Adalat."

(*b*) " adult " means a person [* *] who has [attained the age of twenty-one years] ;

(*c*) [criminal case] means a criminal proceeding in respect of an offence triable by a [Nyaya Panchayat] ;

Comments

'Case.'—meaning explained. The definition of the word 'case' as given in this sub-section may be open to the interpretation that a case with respect to several offences against an accused amounts to there being several proceedings each of which is with respect to one particular offence but such an interpretation of the word 'case' is not correct according to the opinion expressed by Mr. Raghubar Dayal, J. in *Shafi Ahmed v. State*, A. I. R. 1953 Allahabad 564. The word 'case' means a criminal proceeding in respect of the incidents complained of irrespective of the fact whether the incidents make out one particular offence or several offences[7]. It appears that this decision of the High Court had the Legislature to substitute the words 'criminal case' in place of 'case' (see U. P. Panchayat Raj (Amendment) Act No. II of 1955.

(*d*) "circle" means the area within which a [Nyaya Panchayat] cxercises jurisdiction under section 42 ;

(*e*) " Collector " or " Distaict Magistrate " or " Sub-Divisional Magistrate," with reference to a Gaon Sabha, means the Collector, District Magistrate or Sub-Divisional Magistrate of the district or the sub-division, as the case may be, in which such Gaon Sabha is constituted ;

---

[1] Badri *v*. State, A. I. R. 1952 Allahabad 211 ; 1950 A. L. J. 564 ; 1952 Cr. L. J. 395

[2] Asharfi Lal *v*. The State, A. I. R. 1952 Allahabad 306.

[3] Sukhdeo Baiswar *v*. Brij Bhushan Misra, A.I.R. 1951 Allahabad 667; 1951 A. L. J. 305.

[4] 8 A. 201.

[5] (1871) 16 W. R. 27.

[6] Vanu Ram Chandriah *v*. Emperor A.I.R. 1927 Madras 1011.

[7] Shafi Ahmed *v*. State, A.I.R. 1953 Allahabad 564; 1952 A.W.R. 674.

(*f*) "district board," with reference to a Gaon Panchayat, means a district board established under the United Provinces District Boards Act, 1922, in the district in which such Gaon Panchayat is constituted ;

(*g*) "Gaon Sabha" means a Gaon Sabha established under section 3 ;

(*h*) "Gaon Panchayat" means the Executive Committee of the Gaon Sabha established under section 12 ;

(*i*) "Joint Electorate system" means a system under which the electors belonging to all communities vote jointly as prescribed and not as electors of separate communities ;

(*j*) [* *] [*Deleted*]

(*k*) "Munsif" with reference to a Gaon Panchayat, means the Munsif having local jurisdiction in the area in which such Gaon Panchayat is constituted ;

(*l*) "population" means the population of a village or area as determined in the manner prescribed in this behalf ;

[(*m*) 'revenue case' means a case under the United Provinces Land Revenue Act, 1901, or the U. P. Zamindari Abolition and Land Reforms Act, 1950, or any other law relating to land tenure triable by a Nyaya Panchayat ;]

[(*mm*) 'public property' and 'public land' means any public building, park or garden or other place to which for the time being the public have or are permitted to have access whether on payment or otherwise ;]

(*n*) "public servant" means a public servant as defined in section 21 of the Indian Penal Code, 1860 ;

Comments.

Public servant.—The words 'public servant' has been defined under section 21 of the Indian Penal Code and for commentary refer clause (a) of section 2 of this Act also. In *Asharfi Lal v. State* it has been held that the Panchayati Adalat constituted under the U. P. Panchayat Raj Act, 1947, is a court.[1] It follows, therefore, that members constituting the Bench of the Panchayati Adalat, in a pending case, came within the definition of a Judge as given in section 21, I. P. C. and therefore they are public servants. The functions of the Panches are analogous to that of a judge as defined in section 19 of the Indian Penal Code. The member of the court of a Village Panchayat is a judge.[2] He enjoys the immunities of the public servant and as such he cannot be prosecuted without the necessary sanction.[3]

(*o*) "public street" means any road, street, bridge, lane, square, court, alley or passage which the public has a right to pass along, and includes on either side the drains or gutters and the land up to the defined boundary of any abutting property, notwithstanding any projection over such land of any verandah or other superstructure, [*but does not include any such road, street bridge, lane, squre, court, alley or passage owned, maintained or repaired by the State Government or the Central Government or any other local authority* ;]

(*p*) "prescribed" means prescribed by this Act or rules made thereunder ;

(*q*) "prescribed authority" means an authority to be notified as such by the State Government whether generally or for any particular purpose ;

(*r*) [* *] [*Deleted*]

(*s*) "civil case" means a [civil case] triable by a Nyaya Panchayat ;

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1. Asharfi Lal v. State, A.I.R. 1952 Allahabad 306; 1952 Cr. L. J. 621; 1951 A. L. J. 551
2. Ponnuswami Thevan v. Emperor, A.I.R. 1922 Madras 62.
3. Ponnuswami Thevan v. Emperor, Supra.

(*t*) " village " means any local area, recorded as a village in the revenue records of the district in which it is situate, [and includes any area which the State Government may, by general or special order, declare to be a village for the purposes of this Act, and]

(*u*) [* *] [*Deleted*].

(*v*) [* *] [*Deleted*].

[(*w*) Scheduled Castes means the castes deemed to be Scheduled Castes under the Constitution of India.]

Leg. changes.—In section 2 the following changes have been made by U.P. (Amendment) Act No. II of 1955 :—

(1) In clause (*b*) the words and comma, "male or female," have been deleted and the words " attained the age of twenty-one years" have been substituted for the word "completed his or her twenty-first year." (2) In clause (*c*) for the words "case" the words "criminal case" have been substituted. (3) Clause (*j*) has been deleted. (4) The existing clause (*m*) has been substituted. (5) Clause (*mm*) has been newly added. (6) In clause (*o*) for the 'semi-colon' at the end a 'comma' has been substituted and after it the italicised words have been added. (7) clause (*r*) has been deleted. (8) In clause (*s*) for the word "suit" the words "civil case" have been substituted. (9) In clause (*t*) for the 'semi-colon' at the end a 'comma' has been substituted and the words in brackets have been added. (10) Clauses (*u*) and (*v*) have been deleted. (11) Clause (*w*) has been newly added.

CHAPTER II

Establishment and Constitution of Gaon Sabhas.

3. Establishment and Constitution of Gaon Sabhas and their jurisdiction.—(1) The State Government shall, by notification in the official *Gazette*, establish a Gaon Sabha for every village or group of villages.

(2) The State Government shall declare the name and the territorial jurisdiction of the Gaon Sabha in the notification mentioned in sub-section (1), and may at any time, by notification in the official *Gazette*, either on its own motion or of a Gaon Sabha or of the residents of any village, include any area in or exclude any area from the area of a Goan Sabha and make such incidental and consequential orders as may be necessary for effecting the change.

(3) Where by notification under sub-section (2) any area is included in the jurisdiction of a Gaon Sabha, such area shall thereby become subject to all notifications, rules, regulations, by-laws and orders made under this or any other enactment in force in the area within the jurisdiction of the aforesaid Gaon Sabha.

Comments

Leg. changes.—By Act VI of 1952 the words " And make such incidental and consequential orders as may be necessary for effecting the change" were added in sub-section (2) of this section and by notification no 1535/XXXIII—125-54, dated April 12, 1954, in exercise of the powers conferred by section 96-A of the Panchayat Raj Act, 1947 as amended upto date, the Governor was pleased to delegate the powers, exerciseable by the State Government under section 3 of the said Act, to the Director and Joint Director of Panchayats, sucject to such conditions and restrictions as may be prescribed from time to time in this behalf, As indicated in sub-section (1) and (2) of this section the U. P. Government declared the names and territorial jurisdiction of the various Gaon Sabhas by notifications on various dates and they are given as under :—

For	Jalaun	vide	notification	dated	21-8-48
,,	Jhansi	,,	,,	,,	28-8-48
"	Meerut	,,	,,	,,	11-9-48
	Allahabad				
	Fatehpur				
,,	Kanpur	,,	,,	,,	18-9-48
	Etawah				
	Farrukhabad				
	Lucknow				
	Khiri				
	Unao				
,,	Moradabad	,,	,,	,,	25-9-48
	Badaun				
	Ballia				
	Basti				
	Aligarh				
	Etah				
,,	Muzaffar Nagar	,,	,,	,,	23-10--48
,,	Gonda	,,	,,	,,	30-10-48
	Mathura				
	Mainpur				
,,	Saharanpur	,,	,,	,,	4-11-48
	Pilibhit				
	Bijnor				
	Jaunpur				
,,	Hardoi	,,	,,	,,	13 11-48
	Agra				
	Bahraich				
	Barabanki				
	Fyzabad				
	Banda				
,,	Sultanpur	,,	,,	,,	20-11-48
For the rest of the district of Uttar Pradesh				,,	27-11-48

4. Incorporation of Gaon Sabha.—Every Gaon Sabha shall, by the name notified in the official *Gazette* under section 3, be a body corporate having perpetual succession and a common seal and shall, subject to any restriction or condition imposed by or under this or any other Act, have power to acquire, by purchase, gift or otherwise, to hold, administer, and transfer property, both movable and immovable, and to enter into any contract, and shall, by the said name, sue or be sued.

[**5. Membership of Gaon Sabha.**—(1) A Gaon Sabha shall consist of all adults ordinarily resident within the area for which it is established but a person shall be disqualified for being a member of the Gaon Sabha if he—

(*a*) is not a citizen of India ; or

(*b*) is of unsound mind;and stands so declared by a competent court.

(2) A person shall be deemed to be ordinarily resident in a village if he has been ordinarily residing in such village or towns, or is in possesion of a dwelling house therein, ready for occupation.

Leg. changes.—Section 5 has been substiuted by U.P. (Amendment) Act No 11 of 1955.

[**5-A. Disqualification for holding office under Gaon Sabha or Nyaya Panchayat.**—A person shall be disqualified for being chosen, nominated or appointed to, and for holding any office in the Gaon Sabha or the Gaon Panchayat, or the Nyaya Panchayat constituted under section 42, if he—

(*a*) is, for the time being, not a member of the Gaon Sabha concerned,

(*b*) holds any office of profit under a State Government or the Central Government or a local authority (other than a Gaon Sabha or Nyaya Panchayat),

(*c*) is a salaried servant of a Gaon Sabha or a Nyaya Panchayat,

(*d*) has been dismissed from the service of a State Government, the Central Government or a local authority or a Nyaya Panchayat for misconduct,

(*e*) is in arrears of any tax, fee or rate due by him to the Gaon Sabha for such period as may be prescribed,

(*f*) is suffering from leprosy,

(*g*) is an undischarged insolvent,

(*h*) has been convicted of an offence involving moral turpitude,

(*i*) has bean ordered to give security for good behaviour under section 109 or 110 of the Code of Criminal Procedure, 1898,

(*j*) has been sentenced to imprisonment for a term exceeding six months or to transportation for contravention of any order made under the Essential Supplies (Temporary Powers) Act, 1946, or the U. P. Control of Supplies (Temporary Powers) Act, 1947,

(*k*) is convicted of an election offence :

(*l*) is convicted under the U. P. Removal of Social Disabilities Act, 1947 :

Provided that the disqualifications under clauses (*d*), (*g*), (*h*), (*i*), (*i*), (*k*) and (*l*) may in the manner prescribed be removed by the State Government :

Provided further that the disqualification under clause (*e*) shall cease upon payment of the arrears.]

Leg. changes.—Section 5-A has been newly added by U.P. (Amendment) Act No. II of 1955.

[**5-B. Qualifications for holding offce of Pradhan**—A member of a Gaon Sabha shall not be qualified to be chosen as Pradhan unless he is not less than 30 years of age.]

Leg. changes.—Section 5-B has been newly added by U.P. (Amendment) Act No. II of 1955.

[**6. Ceasation of membership.**—(1) A member of a Gaon Sabha shall cease to be a member if—

(*a*) he is disqualified under section 5,

(*b*) the area where he resides has been excluded from the jurisdiction of the Gaon Sabha, or

(*c*) he has ceased to be ordinarily resident within the jurisdiction of the Gaon Sabha.

(2) Where any person ceases to be a member of a Gaon Sabha under sub-section (1) he shall also cease to hold any office to which he may have been elected, nominated or appointed by reason of his being a member thereof.]

Leg. changes.—Section 6 has been substituted by U.P. (Amendment) Act No. II of 1955.

[6-A. Decision on question as to disqualification—If any question arises as to whether a person has become subject to any disqualification mentioned in sections 5, 5-A or 5-B or in sub-section (1) of section 6, the question shall be referred to the prescribed authority for the decision and his decision shall, subject to the result of any appeal as may be prescribed, be final, and the name of the person shall, if necessary be struck off from the register of members.]

Leg. changes.—Section 6-A has been newly added by U.P. (Amendment) Act No, II of 1955.

7. [* *] [*Deleted*].

Leg. changes.—Section 7 has been deleted by U.P. (Amendment) Act No. II of 1955.

8 Effect of change in population or inclusion of the area of a Gaon Sabha in Municipalities, etc.—If the whole of the area of a Gaon Sabha is included in a municipality, cantonment, notified area or town area, the Gaon Sabha shall cease and its assets and liabilities shall be disposed of in the manner prescribed. If a part of such area is so included, its jurisdiction shall be reduced by that part.

9. Register of memebers.—On the establishment of a Gaon Sabha the prescribed authority shall cause to be prepared a register, in the prescribed form, of all [* *] persons *[ordinarily]* residing within the jurisdiction of such Gaon Sabha and such register shall, among other things, contain the names of every person entitled under section 5 to be a member of the Gaon Sabha on the date of its establishment. The register so prepared shall be revised at least once a year in the manner prescribed.

Leg. changes.—In section 9 for the word "permanently" the word "ordinarily" has been substituted and the word "adult" has been deleted by U.P. (Amendment) Act No. II of 1955.

10. Removal of difficulty in the establishment of Gaon Sabha and in the working of a Gaon Panchayat.—If, in establishing a Gaon Sahha or in the working of a Gaon Panchayat, any dispute or difficulty arises regarding the interpretation of any provision of this Act or any rule made thereunder or any matter arising out of or relating to such interpretation or any matter not provided in this Act, the same shall be referred to the State Government whose decision thereon shall be final and conclusive.

CHAPTER III

The Gaon Sabha: Its meetings and functions.

[11. Meetings of Gaon Sabha.—(1) Every Gaon Sabha shall hold two general meetings in each year, one soon after harvesting of the *kharif* crop (hereinafter called the *kharif* meeting) and the other soon after harvesting of the *rabi* crop (hereinafter called the *rabi* meeting):

Provided that the Pradhan at any time may, or upon a requisition in writing by the prescribed authority or by not less than one-fifth of the number of the members shall, within 30 days from the receipt of such requisition, call an extra-ordinary general meeting. The time and place of all the meetings of the Gaon Sabha shall be published in the prescribed manner:

Provided further that where the Pradan fails to call a meeting as aforesaid the prescribed authority may do so within a period to be prescribed.

(2) For any meeting of the Gaon Sabha one-fifth of the number of members shall form the quorum; provided that no quorum shall be necessary for a meeting adjourned for want of quorum ;]

Leg. changes.—Section 11 has been substituted by U.P. (Amendment) Act No. II of 1955.

[11-A. Pradhan and Up-Pradhan of Gaon Sabha—There shall be a Pradhan and a Up-Pradhan of the Gaon Sabha]

Leg. changes.—Section 11-A has been newly added by U.P. (Amendment) Act No. II of 1955.

[11.B. Election of Pradhan.—(1) The Pradhan shall be elected by the members of the Gaon Sabha from amongst them in such manner as may be prescribed.

(2) Subject to the provisions of section 12-H, the term of office of the Pradhan shall be 5 years, or, if the State Government so declares by notificaion in the official *Gazette*, such longer term not exceeding 6 years as it may fix.

(3) The declaration under sub-section (2) may be notified before the expiry of 5 years aforesaid, or, where the term has been enlarged, before the expiry of such enlarged term.]

Leg. changes.—Section 11-B has been newly added by U.P. (Amendment) Act No. II of 1955.

Comments.

By notification No. 317/XXX/1 P. R. D. 60-53, dated January 3, 1953 the term of office of Pradhans of Gaon Sabhas was declared for five years from the date of his elections. But by U. P. Panchayat Raj (Term of Office) Supplementory) Ordinance No. 1 of 1954, published in the U. P. Gazette Extraordinary, dated 18th January 1954 the term of office of the Pradhans has been extended from five years to six years.

[11-C. Election of Up-Pradhan.—(1) The Up-Pradhan of the Gaon Sabha shall be elected annually by the Gaon Panchayat from amongst its members in such manner as may be prescribed.

(2) The term of office of Up-Pradhan shall be one year from the date of his election.]

Leg. changes.—Section 11-C has been newly added by U.P. (Amendment) Act No. II of 1955.

[11-D. Prohibition of holding office simultaneously in Gaon Panchayat, Nyaya Panchayat and in more than one Gaon Sabha.—No person shall simultaneously hold any office—

(*a*) both in the Gaon Panchayat and Nyaya Panchayat, or

(*b*) in more than one Gaon Sabhas, and the rules may provide for the vacation by a member who is so chosen to two such offices under sections 11-B or 11-C above of one or the other office.]

Leg. changes.—Section 11-D has been newly added by U.P. (Amendment) Act No. II of 1955.

[12. Establishment and Constitution of Gaon Panchayat.—(1) As soon as may be after its establishment, every Gaon Sabha shall elect from amongst its members an executive committee called the Gaon Pancnayat.

(2) The number of members of a Gaon Panchayat shall be such as may be prescribed and the Pradhan shall be ex-officio member thereof. The Pradhan and the Up-Pradhan shall also be ex-officio Pradhan and Up-Pradhan of the Gaon Panchayat.

(3) Subject to the provisions of section 12-H, the term of office of a member of a Gaon Panchayat shall be 5 years, or, if the State Government so declares by notification in the official *Gazette*, such longer term not exceeding 6 years as it may fix.

(4) The declaration under sub-section 3 may be notified before the expiry of 5 years aforesaid, or, when the term has been enlarged before the expiry of such enlarged term.

(5) the area of a Gaon Sabha may be divided by the prescribed authority into such number of constituencies as may be convenient for the purpose of election.

(6) The election of the members of a Gaon Panchayat shall be held on joint electorate system in such manner as may be prescribed and the rules may provide for the payment of fees.

(7) Seats shall be reserved for Scheduled Castes in the Gaon Panchayat and the number of seats so reserved shall bear as nearly as may be the same proportion to the total number of seats in the Gaon Panchayat as the population of the scheduled castes in the area of the Gaon Sabha bears to the total population of such area :

Provided that this sub-section shall cease to have effect on and from the twenty-sixth day of January, 1960 :

Provided further that nothing in the preceding proviso shall affect any representation in a Gaon Panchayat until the dissolution thereof :

Provided also that for purposes of determining the due representation of Scheduled Castes in any Gaon Panchayat any person elected to a seat reserved for such castes but who may have been subsequently appointed to the Nyaya Panchayat under section 43 shall be taken into account.

(8) Where a Gaon Sabha has failed to elect the full number of members prescribed under sub-section (2) it shall be called upon to elect the remaining number of members, but if it again fails to elect the full number of remaining members it shall be lawful for the State Government or such authority as may be prescribed to fill in the seats so remaining vacant by nomination from amongst the members of the Gaon Sabha and any member so nominated shall be deemed to have been duly elected.]

Leg. changes.—Section 12 has been substituted by U.P. (Amendment) Act No. 11 of 1955.

Comments.

By notification No 317/XXX/1 P. R. D. 60-53, dated January 3, 1953 the term of office of a member of a Gaon Panchayat was reaised from 3 to 5 years and by U. P. Panchayat Raj (Term of Office) (Supplementary) Ordinance No. 1 of 1954, published in U. P. Gazette Extraordinary, dated 18th January 1954 the term of office of the member of a Gaon Panchayat, President and the Vice-President was further extended from 5 to 6 years.

[12A-. Number of persons to be elected for Gaon Panchayat and Nyaya Panchayat.—For the purpose of electing members of a Gaon Panchayat, the Gaon Sabha shall elect from its members such number as shall exceed by five (or if any lesser number is fixed in any case as shall exceed by such number) the number prescribed under sub-section (2) of section 12 but only such of them as remain after the prescribed authority has selected five persons or such lesser number as aforesaid under section 43 for membership of the Nyaya Panchayat shall be members of the Gaon Panchayat.]

Leg. changes.—Section 12-A has been newly added by U.P. (Amendment) Act No. II of 1955.

[**12-B. Additional members.**—In addition to the members prescribed under section 12 the State Government may, by a general or special order, direct that one or more members of the Prantiya Rakshak Dal having such qualifications as may be prescribed shall have the right to speak in and otherwise to take part in the proceedings of the Gaon Panchayat or any committee thereof as may be specified. Such person shall not, however, by virtue of this sub-section be entitled to vote in the meetings of the Gaon Panchayat or the committees.]

Leg. changes.—Section 12-B has been newly added by U.P. (Amenment) Act No. II of 1955.

[**12-C. Application for questioning the elections.**—(1) The election of a person as Pradhan of a Gaon Sabha or as member of a Gaon Panchayat inculding the election of a person who may be appointed as a Panch of a Nyaya Panchayat under section 43 shall not be called in question except by an application presented to such authority within such time and in such manner as may be prescribed on the ground that—

(*a*) the election has not been a free election by reason that the corrupt practice of bribery or undue influence has extensively prevailed at the election, or

(*b*) that the result of the election has been materially affected—

(*i*) by the improper acceptance or rejection of any nomination ; or

(*i*) by gross failure to comply with the provisions of this Act or the rules framed thereunder.

(2) The following shall be deemed to be corrupt practices of bribery or undue influence for the purposes of this Act :

(A) (1) Bribery, that is to say, any gift, offer or promise by a candidate or by any other person with the connivance of a candidate of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing—

(*a*) a person to stand or not to stand as, or to withdraw from being, a candidate at an election ; or

(*b*) an elector to vote or refrain from voting at an election ; or as a reward to—

(*i*) a person for having so stood or not stood, or for having withdrawn his candidature ; or

(*ii*) an elector for having voted or refrained from voting.

(B) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or of any other person with the connivance of the candidate with the free exercise of any electoral right :

Provided that without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(*i*) threatens any candidate, or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication of expulsion from any caste or community ; or (*ii*) induces or attempts to induce a candidate or an elector to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause.

(3) The application under sub-section (1) may be presented by any candidate at the election or any elector and shall contain such particulars as may be prescribed.

Explanation.—Any person who filed a nomination paper at the election whether such nomination paper was accepted or rejected, shall be deemed to be a candidate at the election.

(4) The authority to whom the application under sub-section (1) is made shall, in the matter of—

(*i*) hearing of the application and the procedure to be followed at such hearing,

(*ii*) setting aside the election or declaring the election to be void or declaring the applicant to be duly elected or any other relief that may be granted to the petitioner.

have such powers and authority as may be prescribed.

(5) Without prejudice to the generality of the powers to be prescribed under sub-section (4) the rules may provide for the summary hearing and disposal of an application under sub-section (1).

(6) The order passed by the prescribed authority upon an application under sub-section (1) shall be final and conclusive, and shall not be questioned in any civil court.]

Leg. changes.—Section 12-C has been newly added by U.P. (Amendment) Act No. II of 1955.

[**12-D. Disputes pertaining to the election of Up-pradhan, Sarpanch or Sahayak Surpanch.**—Any dispute relating to the election of Up-pradhan of a Gaon Sabha or of Sarpanch or Sahayak Sarpanch of a Nyaya Panchayat shall be referred in the manner prescribed to the prescribed authority whose decision thereon shall be final and conclusive and shall not be questioned in any civil court.]

Leg. changes,—Section 12-D has been newly added by U.P. (Amendment) Act No. II of 1955.

[**12-E. Oath of office.**—(1) Every member of a Gaon Sabha shall, before entering upon any office referred to in sections 11-A, 11-B, 12-A, 43 or 44, make and subscribe before such authority as may be prescribed an oath or affirmation in the form to be prescribed.

(2) Any member who declines or otherwise refuses to make and subscribe in oath or affirmation as aforesaid shall be deemed to have vacated the office forthwith.]

Leg. changes.—Section 12-E has been newly added by U.P. (Amendment) Act No. II of 1955.

[**12-F. Resignation.**—A Pradhan, Up-pradhan or a member of a Gaon Panchayat may, by writing under his hand addressed to such authority as may be prescribed, resign his office and his office shall thereupon become vacant.]

Leg. changes.—Section 12-F has been newly added by U.P. (Amendment) Act No. II of 1955.

[**12-G. General Elections.**—Notwithstanding anything contained in sections 11-B, 11-C, sub-section (3) of section 12 and section 45 the State Government may at any time order a general election of Pradhans of Gaon Sabhas and members of Gaon Panchyats including Panches of Nyaya Panchayats in the whole State or in any specified area thereof.]

Leg. changes.—Section 12-G has been newly added by U.P. (Amendment) Act No. II of 1955.

[**12-H. Casual vacancies.**—If a vacancy in the office of the Pradhan, Up-pradhan or of a member of a Caon Panchayat arises by reason of his death, removal, resignation or avoidance of his election it shall be filled for the remainder of his term in manner, as far as may be, provided in sections 11-B, 11-C or 12, as the case may be.]

Leg, changes.—Section 12-H has been newly added by U.P. (Amendment) Act No: II of 1955.

[**12-I. Jurisdiction of Civil Courts in election matters barred.**—No Civil Court shall have jurisdiction to question the legality of any action taken or any decision given by an officer or authority appointed under this Act, in connection with the conduct of elections thereunder.]

Leg. changes.—Section 12-I has been newly added by U.P. (Amendment) Act No. II of 1955.

[**12-J. Power of Up-Pradhan.**—The Up-Pradhan shall exercise such powers of the Pradhan as may be prescribed.]

Leg. changes.—Section 12-J has been newly added by U.P. (Amendment) Act No. II of 1955.

[**12-K. Term of office of Pradhan and Up-Pradhan.**—Notwithstanding anything contained in sub-section (2) of section 11-B or of 11-C the Pradhan and Up-Pradhan shall continue in office untill their respective successors are elected.]

Leg. changes.—Section 12-K has been newly added by U.P. (Amendment) Act No. II of 1955.

13. Annual estimate of income and expenditure of Gaon Sabha.—The Gaon Sabha shall at each *kharif* meeting consider and pass the annual estimate of income and expenditure for the following year and at its *rabi* meeting it shall consider the accounts of the preceding year. At both meetings the Gaon Sabha shall consider the [half-yearly] reports of business submitted by the Pradhan :

[Provided that where for any reason an annual estimate of income and expenditure is not passed by a Gaon Sabha in its *kharif* meeting, it may be passed by it at any subsequent meeting before such date as may be prescribed under sub-section (4) of section 41.]

Leg. changes.—In section 13 for the word "biennial" the words "half-yearly" have been substituted and the proviso has been added by U.P. (Amendment) Act No. II of 1955.

[**14. Removal of Pradhan and Up-Pradhan.**—The Gaon Sabha may at a meeting specially convened for the purpose and of which at least 15 days' previous notice shall be given remove the Pradhan or Up-Pradhn by a majority of two-thirds of the members present and voting. The procedure to be followed at the meeting shall be such as may be prescribed.]

Leg. changes.—Section 14 has been substituted by U.P. (Amendment) Act No. II of 1955.

CHAPTER IV

Powers, Duties, Functions and Administration of Gaon Panchayats

15. Duties and functions.—It shall be the duty of every Gaon Panchayat so for as its funds may allow to make reasonable provision within its jurisdiction for—

(*a*) construction, repair, maintenance, cleansing and lighting of public streets ;

(*b*) medical relief ;

(*c*) sanitation and taking curative and preventive measures to remove and to stop the spread of an epidemic ;

(*d*) upkeep, protection and supervision of any buildings or other property which may belong to the Gaon Sabha or which may be transferred to it for management ;

(*e*) registering births, deaths and marriages, and maintenance of the register mentioned in section 9 ;

(*f*) removal of encroachments on public streets, public places and property vested in the Gaon Sabha ;

(*g*) regulating places for the disposal of the [dead bodies and carcasses] and of other offensive matter ;

(*h*) regulation of *melas*, markets and *hats* within its area, except those managed by the State Government [or the District Board] and without prejudice to the provisions of the United Provinces Melas Act, 1938 ;

(*i*) establishing and maintaining primary schools for boys and girls ;

(*j*) establishment management and care of common grazing grounds and land for the common benefit of the persons residing within its jurisdiction ;

(*k*) construction, repair and maintenance of public wells, tanks and ponds for the supply of water for drinking, washing and bathing purposes, and regulation of sources of water supply for drinking purposes ;

(*l*) regulating the construction of a new building or the extension or alteration of any existing building ;

(*m*) assisting the development of agriculture, commerce and industry ;

(*n*) rendering assistance in extinguishing fire and protecting life and property when fire occurs ;

(*o*) the administration of civil and criminal justice [* *];

(*p*) the maintenance of such records relating to cattle census, population census and other statistics as may be prescribed ;

(*q*) maternity and child welfare ;

(*r*) allotment of places for storing manure [*and for tanning and curing of hides*] ;

(*s*) fulfilling any other obligation imposed by [or under this Act or] any other law on a Gaon Sabha ;

[(*t*) the maintenance and control of class (1) and Kaiser-i-Hind forests, waste land (benap), water-channels and drinking places (panghat) in the hill patties of the Kumaon Division.]

Leg. changes.—In section 15 the following changes have been made by U.P. (Amendment) Act No. II of 1955 :—

(1) In clause (*g*) for the words "the dead bodies of human beings and animals" the words "the dead bodies and carcasses" have been substituted. (2) In clause (*h*) between the words "State Government" and the word "and" the words "or the District Board" have been inserted. (3) In clause (*o*) the words "and the election of Panches on the panel of the Panchayti Adalat according to the provisions of this Act and Rules made thereunder" have been deleted. (4) In clause (*r*) after the words "manure" the italicised words have been added. (5) In clause (*s*) after the words "imposed by" the words "or under this Act or" have been inserted. (6) The existing clause (*t*) has been substituted.

Comments.

Annual report.—Clause 7 of sub-rule, (1) of rule 68 requires an information to be included in the annual report as to what steps have been taken by the Panchayat during the year under report to carry out the purposes mentioned in this section. This enables the prescribed authority to have a clear idea as to what the Panchayat has done to attain the object given in this section. Under the same rule a similar report is also required from the Panchayat regarding section 18 of the Act. The annual report by the Panchayat shall be submitted to the prescribed authority every year before 1st June.

16. Discretionary functions.—A Gaon Panchayat may also make provision within its jurisdiction for—

(*a*) planting and maintaining trees at the sides of public streets and in other public places ;

(*b*) the improved breeding and medical treatment of cattle and prevention of disease in them [including the maintenance of pedigree bulls] ;

(*c*) filling in of insanitary depressions and levelling of land ;

(*d*) organizing, subject to rules prescribed, a village volunteer force for watch and ward, for assisting Gaon Panchayat and Nyaya Panchayat in the discharge of their functions and for the service of summons and notices issued by them ;

(*e*) assisting and advising agriculturists in the obtaining and distribution among them of Government loans and in the repayment thereof, in the liquidation of old debt and generally in the establishment of sound credit system according to law ;

(*f*) development of co-operation and establishment of improved seed and implement stores ;

(*g*) relief against famine or other calamity ;

(*h*) making representation to the district board for performance by it of such functions in relation to the area within the jurisdiction of the Gaon Sabha as is beyond the powers of the Gaon Sabha ;

(*i*) extension of the *abadi* [*and provision for house sites for weaker section of the public*] ;

(*j*) establishment and maintenance of a library or reading room ;

(*k*) establishment and maintenance of an *akhara* or club or other place for recreation and games ;

(*l*) regulating the collection, removal and disposal of manure and sweepings [and making arrangements for the disposal of carcasses of animals] ;

(*m*) prohibiting or regulating the curing, tanning, and dyeing of skins within 220 yards of the *abadi* ;

(*n*) setting up organizations to promote goodwill and social harmony between different communities ;

(*o*) public radio sets and gramophones ;

(*p*) any other measure of public utility calculated to promote the moral and material well-being or convenience of the villagers ;

(*q*) with the previous sanction of the district board the doing of anything which falls within the functions of the district board for the benefit of the persons living within the jurisdiction of the Gaon Sabha ;

(*r*) the doing of anything the expenditure on which is declared by the State Government ; or by the prescribed authority with the sanction of the State Government to be an appropriate charge on the fund of the Gaon Sabha ;and

[(*s*) making arrangements for the seizure and disposal of stray cattle, stray dogs, wild animals and monkeys.]

Leg. changes.—In section 16 the following changes have been made by U. P. (Amendment) Act No. II of 1955:—

(1) In clause (*b*) the words "including the maintenance of pedigree bulls" have been inserted. (2) In clause (*i*) the italicised words have been added. (3) In clause (*l*) the words "and making arrangements for the disposal of carcasses of animals" have been added. (4) The clause (*s*) has been newly added.

17. Power of Gaon Panchayats as to public streets, waterways and other matters.—A Gaon Panchayat shall have control af all public streets, waterways, other than canals as defined in sub-section (1) of section 3 of the Northern India Canal and Drainage Act, 1873, situate within its jurisdiction not being a private street or waterways and not being under the control of the State Government or the district board or any other authority specified by the State Government and may do all things necessary for the maintenance and repair thereof, and may—

(*a*) construct new bridges or culverts ;

(*b*) divert, discontinue, or close any public street, culvert or bridge ;

(*c*) widen, open, enlarge or otherwise improve any public street, culvert or bridge with minimum damage to the neighbouring fields ;

(*d*) deepen or otherwise improve waterways ;

(*e*) with the sanction of the prescribed authority and where a canal exists under the Northern India Canal and Drainage Act, 1873, with the sanction also of such officer of the Irrigation Department as the State Government may prescribe, undertake small irrigation projects ;

(*f*) cut any hedge or branch of any tree projecting on a public street ;

(*g*) notify the setting apart of any public watercourse for drinking or culinary purposes, and prohibit bathing, washing of clothes and animals or doing of other acts likely to pollute the course so set apart ;

Provided that nothing shall be done under clause (*g*) which may affect a canal governed by the Northern India Canal and Drainage Act, 1873, without the prior permission of the authority prescribed by the State Government in this behalf.

18. **Improvement of sanitation.**—For the improvement of sanitation, a Gaon Panchayat may, by notice, direct the owner or occupier of any land or building, taking into consideration his financial position and giving him reasonable time for compliance thereof—

(*a*) to close, remove, alter, repair, cleanse, disinfect or put in good order any latrine, urinal, water-closet, drain, cesspool or other receptacle for filth, sullage-water, rubbish or refuse pertaining to such land or building or to remove or alter any door or trap or construct any drain for any such latrine, urinal or water-closet which opens on to a street or drain, or to shut off such latrine, urinal or water-closet by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood ;

(*b*) to cleanse, repair, cover, fill up, drain off, deepen, or to remove water from a private well, tank, reservoir, pool, pit, depression or excavation therein which may appear to the Gaon Panchayat to be injurious to health or offensive to the neighbourhood ;

(*c*) to clear off any vegetation, undergrowth, prickly pear or shrub-jungle ;

(*d*) to remove any dirt, dung, nightsoil, manure or any noxious or offensive matter therefrom and to cleanse the land or building :

Provided that a person on whom a notice under clause (*b*) is served may, within 30 days of the receipt of the notice appeal to the District Medical Officer of Health against the said notice who may vary, set aside or confirm it.

19. **Maintenance and improvement of schools and hospitals.**—(1) A Gaon Panchayat—

(*a*) shall subject to such rules as may be prescribed regarding the curriculum, emeloyment and qualification of teachers and supervision of a school maintain any existing primary school including the buildings and furniture thereof and be responsible for its proper working and may similarly establish and maintain a new school or improve any existing school ;

(*b*) shall, subject to such rules as may be prescribed regarding the establishment, maintenance and supervision, maintain any existing Ayurvedic, [Homoeopathic] or Unani hospital or dispensary including the building and equipments thereof and may similarly establish and maintain a new hospital or dispensary for one or more of the saystems of medicine mentioned above.

(2) The district board and the State Government shall make such grants for such school, hospital or dispensary, as may be prescribed.

Leg. changes.—In section 19 the word "Homeopathic" has been added by U. P. (Amendment) Act No. II of 1955.

20. **Establishment of primary school and hospital or dispensary for a group of Gaon Sabhas.**—Where a group of neighbouring Gaon Sabhas have no primary school or Ayurvedic, [Homoeopathic], or Unani hospital or dispensary, the Gaon panchayats thereof shall, if so directed by the prescribed authority, combine to establish and maintain such a school, hospital or dispensary, and it shall be managed and financed in the manner prescribed. The State Government and the district board shall make such grants for such school, hospital or dispensary as may be prescribed.

Leg. changes.—In section 20 the words "Homeopathic" has been added by U. P. (Amendment) No. II of 1955.

21. Assistance to Government servants.—A Gaon Panchayat shall, if so prescribed by the State Government and so far as practicable, assist any Government servant in the performance of his duties within its area.

22. Representations and recommendations by Gaon Panchayats.—A Gaon Panchayat may make to the proper authority—

(*a*) any representation concerning the welfare of the persons residing within its jurisdiction, and

(*b*) any recommendations as to the appointment, transfer or dismissal of a patrol of the Irrigation Department, patwari [or lekhpal, village chowkidar] or mukhia serving in any area within the jurisdiction of such Gaon Panchayat.

Leg. changes.—In section 22 the words "or lekhpal, village chawkidar" have been inserted by U. P. (Amendment) Act No. II of 1955.

23. Power to enquire and report about the misconduct of certain officials.—On receiving a complaint from any person, residing within the jurisdiction of a Gaon Panchayat about any misconduct in the discharge of [his] official duties by any amin, process server, vaccinator, constable, [village chowkidar], patwari, [Patrol and Tube-well operator of the Irrigation Department, forest guard, forest chawkidar, Teacher of a primary school, pound keeper, village stockman] or peon of any Government Department, such Panchayat may, if there be *prima facie* evidence, forward the complaint to the proper authority with its, own report. The authority shall, after such further enquiry as may be required, take suitable action and inform the Gaon Panchayat of the result.

Leg. changes.—In section 23 the following changes have been made by U. P. (Amendment) Act.No. II of 1955 :—

(1) For the words "their" occurring between the words "of" and "official" the word "his" has been substituted. (2) After the word "constable" the words "village chowkidar" have been added. (3) The words "Patrol and Tube-well Operator of the Irrigation Department, forest guard, forest chawkidar, teacher of a primary school, pound keeper, village stockman" have been substituted for the words "Patrol of the Irrigation Department".

24. Power to contract for collection of taxes and other dues for proprietors.—A Gaon Panchayat may, as prescribed and in respect of any area within its jurisdiction, entre into a contract—

[(*a*) with the State Government or any local authority for carrying out any work on such terms as State or to such local authority upon payment of such collection charges as may be psescribed ; or

(*b*) with the State Government or any local authority for carrying out any work on such terms as may be agreed upon].

Leg. changes.—In section 24 clauses (*a*) and (*b*) have been substituted by U. P. (Amendment) Act No, II of 1955.

[25. Staff—(1) A Gaon Panchayat may appoint such staff (other than the Secretary) as may from time to time be necessary :

Provided that it shall not create any post not already provided for in the budget except with the previous approval of the prescribed authority ;

Provided further that it may in an emergency create any such post and make appointment thereto without such approval, but its intimation shall be sent forthwith to the prescribed authority and the post including the appointment thereto shall terminate if the prescribed authority does not approve creation of the post.

(2) The power to appoint, punish, discharge, dismiss or control a servant of the Gaon Sabha other than a Secretary shall be vested in the Gaon Panchayat, but the Gaon Panchayat may delegate to such officer, subject to such conditions and restrictions as may be prescribed, the power to impose any punishment other than discharge or dimissal.

(3) An appeal from an order punishing, discharging or dismissing a servant shall lie—

(*a*) to the prescribed authority, where such an order is passed by the Gaon Panchayat, and

(*b*) to the Gaon Panchayat, where such an order is passed by an officer to whom such powers have been delegated under sub-section (2).

(4) The prescribed authority may, subject to the conditions as may be prescribed, transfer any person from the staff of one Gaon Panchayat to the staff of any other Gaon Panchayat or group of Gaon Panchayats within the same district and the State Government may similarly transfer any such person from one district to another.

(5) A Nyaya Panchayat may with the previous sanction of the prescribed authority appoint persons on its staff in the manner prescribed. Persons so appointed shall be under the administrative control of the prescribed authority who shall have power to transfer, punish, discharge or dismiss them.

(6) Appeal shall lie from an order of the prescribed authority punishing, discharging or dismissing a person under sub-section (5) to an authority appointed in this behalf by the State Government.]

Leg. changes.—Section 25 has been substituted by U. P. (Amendment) Act No. II of 1955.

25-A. Appointment, leave, and dismissal, etc., of Secretary.—(1) Subject to such directions, [including directions regarding payment from the Gaon Fund of his salary, allowances and other dues,] as the State Government may give, there shall be appointed by such authority as may be prescribed a Secretary for every Gaon Panchayat or a group of Gaon Panchayats. The Secretary so appointed shall also be *ex-officio* [Secretary of the Gaon Sabha or Sabhas concerned.]

(2) The Secretary shall, in the matter of leave, promotion, transfer, dismissal, removal and other disciplinary action be under the administrative control of the prescribed authority aforesaid which shall exercise its powers and functions in the manner prescribed :

Provided that an order of the prescribed authority removing or dismissing a Secretary shall be appealable within a period and in the manner to be prescribed, to the District Magistrate, or if any other authority is prescribed in this behalf to such other authority.]

Leg. changes.—Section 25-A was added by U. P. (Amendment) Act No, X of 1950, Now in this section for the words "Secretary Gaon Sabha or Gaon Sabhas" the words "Secretary of the Gaon Sabha or Sabhas" have been substituted.

26. Right of individual members.—A member of a Gaon Panchayat may, at any meeting, move any resolution and put question to the Pradhan or Up-Pradhan on matters connected with the administration of the Gaon Panchayat in the manner prescribed.

Comments.

Rosolution.—This section deals with the moving of resolution and putting question by a member of the Panchayat in any meeting. It lays down that the question or resolution will be moved to the Pradhan who, under the rules, has the discretion to disallow any such resolution if he considers that the resolution is beyond the scope of the Panchayat or the Sabha. In doing so the Pradhan is bound to record his reasons in writing. The question to be put to the Pradhan or Up-Pradhan shall be on matters connected with the administration of the Gaon Panchayat and, therefore, the right of putting question or moving of any resolution by any member of the Panchayat in the meeting is limited. The resolutions of the members, not disallowed by the Pradhan, are then to be discussed and passed by the majority of votes and when the number of votes is equal, both for and against the resolution, the Pradhan has the casting vote. The members are entitled to speak only once on any motion or amendment. Rules 44 and 45 framed under this Act deal with the treatment of any question on receipt and answering of the same by the Pradhan or with his permission by the Up-Pradhan or the secretary of the Panchayat.

27. Penalty for causing loss, waste, or misapplication of money or property of the Gaon Panchayat.—(1) Every member of the Gaon Panchayt, any joint committee or any other committee constituted under this Act shall be liable for the loss, waste or mis-application of any money or property belonging to the Gaon Panchayat, if such loss, waste or mis-application is a direct consequence of his neglect or misconduct while a member of the Gaon Panchayt, joint committee or other committee, and a [civil case] for compensntion may be instituted against him by the Gaon Panchayat with the previous sanction of the prescribed authority.

(2) If the prescribed authority sanctions the institution of a [civil case] under sub-section (1), or refuses to grant the sanction, the member concerned, or the Gaon Panchayat as the case may be, may, within 30 days of such sanction or refusal, appeal to the State Government or an appellate prescribed authority against the said sanction or refusal.

(3) The State Government may institute a [civil case] mentioned in sub-section (1) on its own initiative.

Comments.

Prescribed authority.—Sub-rule (2) of rule 29 framed under the Act prescribes the names of the prescribed authorities referred to in this section. Under this rule the President of the District Board or a member of the Board appointed by the President or an inspector or any other officer who may be appointed by the State Government may be the prescribed authorities for the purposes of this section. The sub rule (4) of rule 29 further lays down that the Government may also appoint additional prescribed authorities or prescribed authorities in place of those mentioned above.

Liability.—Section 27 (1) deals with the liability of a member of a Gaon Panchayat, Joint Committee or any other committee constituted under the Act for the loss, waste or misapplication of any money or property belonging to the Gaon Panchayat. This sub-section further gives out the circumstances under which such member shall be liable. Negligence and misconduct of such member during the term of his office are the most important factors in deciding the liability and when a case under this section has been made out against such person a suit for compensation may be instituted with the previous sanction of the prescribed authority. No suit can be so filed without such sanction. The order, or refusal of the prescribed authority is appealable to the State Government or the appellate prescribed authority within 30 days. A suit for compensation against such member may also be filed by the State Government and it appears the in that case also the previous sanction of the prescribed authority is necessary.

28. Member and servants to be public servants.—Every member or servant of a [Nyaya Panchayat], a Gaon Panchayat, a joint committee or any other committee constituted under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

29. Committee.—Subject to the prescribed conditions, a Gaon Panchayat may establish a committee to assist it in the discharge of any specified duty or class of duties and may delegate to such committee such of its powers as may be necessary for the purpose of rendering such assistance.

30. Joint committee.—(1) Subject to such rules as may be prescribed, two or more Gaon Sabhas may combine by means of a written instrument to appoint a joint committee consisting of their representatives, for the purpose of transacting any business in which they are jointly interested and may—

(*a*) delegate to such committee power, with such conditions as they may think proper to impose, to frame any scheme binding on each such Gaon Sabha as to the construction and maintenance of any joint work and as to the power which may be exercised by any such Sabha in relation to such scheme; and

(*b*) frame or modify rules regarding the continuation of such committee and the term of office of members thereof and the method of conducting proceedings and correspondence.

(2) If any difference of opinion arises, between the Gaon Sabhas acting under this section, it shall be referred to the prescribed authority whose decision thereon shall be final.

31. Delegation.—All the duties, powers and functions of the Gaon Sabha except those specified in Chapter III and [sections 30 and 41] shall be exercised, performed or discharged by the Gaon Panchayat and not otherwise.

Leg. changes.—In section 31 for the word and figures "30 and 114" the word and figures "30 and 41" have been substituted by U. P. (Amendment) Act No. II of 1955.

CHAPTER V

Acquisition of land, Gaon Fund and Property.

32. Gaon fund.—(1) [There shall be a Gaon Fund for each Gaon Sabha and the same shall, subject to the provisions of the annual estimate of income and expenditure passed under section 41, be utilized for carrying out the duties or obligations imposed upon the Gaon Sabha or the Gaon Panchayat or any committee thereof by this or any other enactment.

(2) The following shall be credited to the Gaon Fund :

(*a*) The proceeds of any tax imposed under this Act.

(*b*). All sums handed over by the State Government to the Gaon Sabha.

(*c*) The balance, if any, standing to the credit of the village panchayat previously in existence under the "Village Panchayat Act."

(*d*) All sums ordered by a court to be placed to the credit of the Gaon Fund.

(*e*) All sums received under section 104.

(*f*) The sale-proceeds of all dust, dirt, dung or refuse including the dead bodies of animals, collected by the servants of the Gaon Panchayat.

(*g*) Such portion of the rent or other proceeds of nazul property as the State Government may direct to be placed to the credit of the Gaon Fund.

(*h*) Sums contributed to the Gaon Fund by any district board or other local authority.

(*i*) All sums received by way of loan or gift.

(*i*) Such other sums as may be assigned to the Gaon Fund by any special or general order of the State Government.

(*k*) All sums received by the Gaon Panchayat from any individual or corporation or the State Government under section 24 or any other law.

(3) Nothing in this section shall affect any obligation of a Gaon Sabha arising from a trust legally imposed upon or accepted by it.

Leg. changes.—Section 32 has been brought under the heading of Chapter V and its Sub-section (1) has been substituted by section 26 of U. P. (Amendment) Act No. II of 1955.

33. Power to acquire land.—Where a Gaon Sabha or a number of Gaon Sabhas which have combined under the provisions of section 20 or 30 require any land to carry out any purpose of this Act, it or they shall first try to have the land by private negotiation and if the parties concerned fail to arrive at an agreement, such Gaon Sabha or Gaon Sabhas may make an application in the prescribed form to the Collector to acquire the land and the Collector may acquire such land for such Gaon Sabha or Sabhas.

Explanation—In this chapter the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

Comments

Acquisition of land.—This section togather with rule 129 lays down the circumstances under which a land may be acquired by the Government.

34. Property vested in the Gaon Sabha—(1) Subject to any special reservation made by the State Gcvernment, all public property situated within the jurisdiction of a Gaon Sabha shall vest in and belong to the Gaon Sabha and shall, with all other property which may become vested in the Gaon Sabha, be under its direction, management and control.

(2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Gaon Panchayat and the Gaon Sabha shall receive to the credit of Gaon Fund all dues levied or imposed in respect thereof.

35. Disposal of claims.—Where any dispute arises as regards the ownership of any property mentioned in section 34 between a Gaon Sabha and any person, the Gaon Panchayat shall give such persons a reasonable opportunity of being heard and then decide whether to treat the said property as the property of the Gaon Sabha.

36. Power to borrow.—With the sanction of the prescribed authority and subject to such conditions as may be prescribed, a Gaon Sabha may borrow money from the State Government [or any other Gaon Sabha] to carry out any of the purposes of this Act.

Leg. changes.—In section 36 the words "or any other Gaon Sabha" have been inserted by U. P. (Amendment) Act No. II of 1955.

Comments.

Borrowing money from the State Government.—This section should be read with rule 247 of the Act. Rule 247 of the Act lays down that a Sabha shall be entitled to borrow money from the Government on conditions laid down in the Local Authorities Loans Rules, 1915, published in Government of India Finance Department notification No 1920-A, dated November 10, 1914.

37. Imposition of taxes and fees.—(1) Subject to the rules made or directions given or restrictions imposed by the State Government, a Gaon Sabha may levy—

(*a*) in areas where the rights, title and interest of intermediaries have been acquired under section 4 of the Zamindari Abolition and Land Reforms Act, 1950, a tax on land not exceeding one anna in a rupee on the amount of land revenue payable therefor :

Provided that where the land is in the actual cultivation of a person other than the person liable to pay land revenue therefor, the tax shall be payable by the person in actual cultivation ;

(*b*) in areas other than those referred to in clause (*a*) a tax on rent not exceeding one anna in a rupee on the amount of rent payable by a tenant by whatever name called, under the law in force relating to land tenures :

Provided that where the land is in the actual cultivation of the person liable to pay land revenue therefor, the tax shall not exceed one anna in a rupee on the amount of land revenue for such land ;

(*c*) a fee subject to a maximum of six rupees per annum on persons carrying on any trade, calling or profession within the jurisdiction of the Gaon Sabha :

Provided that in the case of theatre, cinema or similar entertainment temporarily stationed in the area of the Gaon Sabha, a fee not exceeding five rupees per diem may be levied ;

(*d*) a tax payable by the owner thereof on animnls and vehicles other than mechanically propelled vehicles kept within the area of the Gaon Sabha and plied for hire, at the rate—

(*i*) in the case of animals, not exceeding three rupees per animal per annum ;

(*ii*) in the case of vehicles, not exceeding six rupees per vehicle per annum ;

(*e*) fees on persons, not being persons assessed to fee under clause (*c*), exposing goods for sale in markets, hats or melas belonging to or under the control of the Gaon Sabha concerned ;

(*f*) fees on the registration of animals sold in any market or place belonging to or under the control of the Gaon Sabha ;

(*g*) fees for the use of slaughter houses and encamping grounds ;

(*h*) a water rate where water is supplied by the Gaon Sabha ;

(*i*) a tax for cleaning private latrines and drains payable by the owners or occupiers of the houses to which the private latrine or drain is attached, where such cleaning is done through the agency of the Gaon Sabha ; and

(*i*) a tax, not exceeding such rate as may be prescribed, on buildings owned by persons who do not pay any of the aforesaid taxes and whose annual income exceeds three huudred rupees.

(2) The taxes, rates and fees under sub-section (1) shall be imposed, assessed and realised in such manner and at such times as may be prescribed.]

Leg. changes.—Section 37 has been substituted by U. P. (Amendment) Act No. II of 1955.

Comments

Imposition of Taxes.—This section deals with the imposition of taxes and fees by the Gaon Sabha on rents, trade, callings professions and buildings etc. The rules for calculation, assessment and collection of such taxes by the, Panchayat are given in rules 220,221, 222 and 224. The Government or the District Board properties are also liable to pay to the Panchayat a fair and reasonable amount of money in lieu of their assessement but they are not at par with the private properties situated within the jurisdiction of the Panchayat Such Government or the District Board properties cannot be taxed like other private properties (Rule 230) and imposition of any liability for payment of any sumr egarding these properties entirely lay upon the discretion of District Magistrate. Rule 224 (1) provides that persons who are unable to pay a tax on houses, buildings lands on account of poverty shall be exempted from assessment. Such persons may also get remissions of the taxes unde S. 37-C.

[37-A. Appeal against levy of tax, rate or fee.—(1) An appeal against the levy of a tax, rate or fee by the Gaon Sabha shall lie to the prescribed authority.

(2) Where it is brought to the notice of the prescribed authority that a, tax, rate or fee has not been imposed on any person on whom it should have

been imposed it may direct the Gaon Sabha to impose it on that person or persons and the Gaon Sabha shall thereupon act accordingly.]

Leg. changes.—Section 37-A has been newly added by U. P. (Amendment) Act No. II of 1955.

[37-B. **Taxes and dues recoverable as arrears of land revenue.**—All dues on account of the taxes imposed and other sums payable to a Gaon Sabba under this Act shall be recovered as arrears of land revenue if the Gaon Panchayat concerned passes a resolution to that effect within three months from the date of assessment:

Provided that where a Gaon Panchayat fails to pass such a resolution within the said period of three months the prescribed authority shall authorize the recovery of the arrears of taxes as arreas of land revenue.]

Leg. changes.—Section 37-B has been newly added by U. P. (Amendment) Act No. II of 1955.

[37-C. **Revision of tax, rate or fee.**—(1) The State Government may remit the whole or part of any tax, rate or fee levied by a Gaon Sabha in respect of a period whether before or after the commencement of the U. P. Panchayat Raj (Ammendment) Act, 1954.

(2) The power exercisable by the State Government under sub-section (1) shall also be exercisable either generally or in any specified area by the prescribed authority under such circumstances as the State Government may prescribe.

(3) A Gaon Sabha also may by resolution and under such circumstances as may be prescribed remit the whole or part of any such tax, rate or fee imposed or levied by it, provided that no such resolution shall take effect unless it is approved by the prescribed authority.

(4) Where any tax, rate or fee has been remitted under sub-section (1) to (3), any sum realized from the assessee on account of the tax, rate or fee so remitted shall be refunded to him by the Gaon Sabha.]

Leg. changes.—Section 37-C has been newly added by U. P. (Amendment) Act No. II of 1955.

38. Realization of dues, custody of funds and accounts.—The Gaon Panchayat shall, as prescribed, arrange for the realization of Panchayat taxes, and dues, custody of its funds and maintenance of accounts.

Comments.

Realization of taxes.—Rules for realization of taxes and other dues together with the maintenance of accounts of the Panchayat Funds have been given in rule 178.

[39. **Expenses of Nyaya Panchayat to be a charge on Gaon fund.**—(1) The expenses of a Nyaya Panchayat shall be charged to the Gaon Fund or Gaon Funds of the Gaon Sabhas comprised in the circle in such proportion as may be determined by the prescribed authority.

(2) All sums realized by way of court fees or fines in a case triable under this Act shall be credited to the State Gevernment, but the State Government,

shall out of the sums so realized pay by way of grant such portion not exceeding fifty per centum as it may fix to the Gaon Sabha concerned for defraying the expenses of the Nyaya Panchayat.]

Leg. changes.—Section 39 has been substituted by U. P. (Amendment Act No. II of 1955.

[40. **Audit.**—The accounts of every Gaon Sabha and Nyaya Panchayat shall be audited at such intervals and in such manner as may be prescribed.]

Leg. changes.—Section 40 has been substituted by U. P. (Amendment) Act No. II of 1955.

Comments.

Auditing of accounts.—Rules for auditing of accounts of the Gaon Sabha are dealt with under rules 186 and 188.

[41. **Annual estimate of income and expenditure.**—(1) (*a*) Every Gaon Panchayat shall prepare and lay before the *kharif* meeting of the Gaon Sabha an estimate of its income and expenditure for the year commencing on the 1st day of April next following.

(*b*) Every Gaon Panchayat shall prepare and lay before the *rabi* meeting of the Gaon Sabha its report including the account of its actual and expected receipts and expenditure for the year ending on the 31st March last preceding such meeting.

(2) The Gaon Sabha may pass or refer back to the Gaon Panchayat the annual estimate submitted to it for reconsideration with such direction as it may give in the manner prescribed and may likewise pass a recommendatory resolution in respect of the report or of any other matter.

(3) If the annual estimate is referred to the Gaon Panchayat for reconsideration as aforesaid, the Pradhan shall call an extraordinary meeting of the Gaon Sabha to be held within a fortnight of the said annual meeting and the Gaon Panchayat shall re-submit the annual estimate at the said meeting with such modifications as may be necessary in the light of the directions of the Gaon Sabha, and the Gaon Sabha shall then pass the annual estimate in the manner prescribed. Subject to rules in this behalf the annual estimate shall take effect after it has been approved by the prescribed authority, and a Gaon Panchayat may with the approval of the prescribed authority incur any expenditure on a matter already approved in the annual estimate provided that the total of the annual estimate is not exceeded.

(4) If before such date as may be prescribed a Gaon Panchayat does not lay the annual estimate of income and expenditure before the Gaon Sabha or the Gaon Sabha does not pass the same, the prescribed authority may call upon the Gaon Panchayat to furnish suh information as it may require and may prepare an annual estimate of income and expenditure for the Gaon Sabha. The annual estimate so prepared shall then be sent to the Gaon Sabha which shall accept and pass the same in the manner prescribed. Where the Gaon Sabha fails to do so within such time as may in this behalf be prescribed the said annual estimate of income and expenditure shall have effect as if it had been prepared by the Gaon Panchayat and passed by the Gaon Sabha concerned :

Provided that the Gaon Sabha may at any time after the annual estimate takes effect, make in the manner prescribed such modifications or changes therein as it may consider necessary.

(5) The prescribed authority may at any time whether before or after the annual estimate takes effect under sub-section (3) make such amendments, modifications or changes therein as may appear to it necessary.]

Leg. changes.—Section 41 has been substituted by U. P. (Amendment) Act No. II of 1955.

CHAPTER VI

The Nyaya Panchayat

42. Circle for Nyaya Panchayat.—The State Government or the prescribed authority shall divide a district into circles, each circle comprising as many areas subject to the jurisdiction of Gaon Sabhas as may be expedient, and establish Nyaya Panchayat for each such circle :

Provided that the areas of Gaon Sabhas within each circle shall, as far as possible, be contiguous.

[43 Constitution of Nyaya Panchayat.—There shall be appointed by the prescribed authority five persons or such lesser number of persons as may be fixed under section 12-A of prescribed qualifications out of the persons elected in accordance with subsection (6) of section 12 and section 12-A to be Panches of the Nyaya Panchayat and the persons so appointed shall, notwithstanding anything hereinbefore contained, not be members of Gaon Panchayat :

Provided that where suitable persons possessing the prescribed qualifications are not available for such appointment any or all of such qualifications may be relaxed by the prescribed authority.]"

Leg. changes.—Section 43 has been substituted by U. P. (Amendment) Act No. II of 1955.

Comments.

Panches.—The qualifications for being elected as a Panch of the Nyaya Panchayat are given under rule 85 of the Act.

[44. Election of Sarpanch and Sahayak Sarpanch.—The Panches appointed under section 43 shall, in the manner and within the period to be prescribed, elect from amongst them two persons who are able to record proceedings, one as the Sarpanch and the other as the Sahayak Sarpanch :

Provided that if the Panches fail to elect the Sarpanch or the Sahayak Sarpanch as aforesaid the prescribed authority may appoint the Sarpanch or the Sahayak Sarpanch.]

Leg. changes.—Section 44 has been substituted by U. P. (Amendment) Act No. II of 1955.

Comments.

Election of Sarpanch.—The rule for electing a Sarpanch is given in 83-A, of the Panchayat Raj Rule.

[45. **Term of office**—(1) The term of office of every panch shall be five years from the date of his election :

Provided that the State Government may, by notification in the official *Gazette*, extend the term for a total period not exceeding one year :

Provided further that the Sarpanch and the Sahayak Sarpanch shall continue in office until their respective successors are elected or appointed.

(2) The notification under sub-section (1) may be published at any time before the expiry of five years aforesaid or, where the period has been extended, before the expiry of such extended period.]

Leg. changes.—Section 45 has been substituted by U. P. (Amendment) Act No. II of 1955.

Comments.

The U. P. Panchayat Raj (Term of Office) (Supplementary) Ordinance, 1952 extended the term of office of every Panch and Sarpanch of the Panchayati Adalat from five years is six years.

46. [* *] *(Deleted)*.

Leg. changes.—Section 46 has been deleted by U. P. (Amendment) Act No. II of 1955.

47. Resignation of Panches—A Panch, a Sarpanch or Sahayak Sarpanch may resign his office as such by writing under his hand addressed to such authority as may be prescribed and his office shall thereupon become vacant.]

Leg. changes.—Section 47 has been substituted by U. P. (Amendment) Act No. II of 1955.

48. [**] *(Deleted)*.

Leg. changes.—Section 48 has been deleted by U. P. (Amendment) Act No. II of 1955.

[49. **Bench of Nyaya Panchayat.**—(1) The Sarpanch shall form Benches consisting of five Panches each for the disposal of cases and inquiries coming up before the Nyaya Panchayat.

(2) The formation of Benches, the period for which they will work including the hearing of part heard cases, the method of distribution, transfer or re-transfer of work among the Benches and procedure generally to be followed by them in cases and enquiries shall be governed by rules.

(3) No Panch, Sarpanch or Sahayak Sarpanch shall take part in the trial of or inquiry in any case to which he or any near relation, employer, employee, debtor, creditor or partner of his is a party or in which any of them is personally interested.

(4) Notwithstanding anything contained in this section, the State Government may prescribe the constitution of Special Benches for the trial of any class or classes of cases :

Provided that the State Government may at any time order for the re-constitution of such a Special Bench.

(5) Any dispute relating to the formation of Benches or method of their working, shall be referred to the prescribed authority whose decision shall be final.]

Leg. changes.—Section 49 has been substituted by U. P. (Amendment) Act No. II of 1955.

Comments.

Effect of amending sections 77-A on section 49.—Section 49 (1) provides that the Sarpanch shall form a bench of five Panches for the trial of any case, suit or proceeding. But rule 87-A of the Act provided the quorum of only three Panches for the meeting of any bench. Thus this section and the rule were at variance and hence in the case of *Ràm Prasad* v. *State* it was held that the rule being inconsistent with the Act was ultravires.[1] This decision of the Allahabad High Court lead the Legislature to frame one more section in the Act and section 77-A of the Act came into existence. This section 77-A provides a number of only three Panches to be present on all the hearing of the case and it be signed by them.[2] This amending section 77-A obliterated the necessity of five Panches to be present on all hearings of a case although the section still requires the Sarpanch to constitute a bench of five Panches for the trial of any case, suit or proceeding. The effect of the amending section is that the necessity of all the five Panches to be present on all the hearings of the case, suit or proceeding has been done away with and it is now no longer necessary for all the five Panches to be present on all the hearings of the case, suit or proceeding.

Panches of the bench.—It is not necessary that all the Panches consisting the Bench should actually take part in the proceedings of the case. A perusal of this and section 77-A shows that the law contemplates the possibility of as many as two Panches to refrain from taking part in the proceeding.[3]

Sub-section 3.—This sub-section precludes a Panch or Sarpanch to take any part in a case, suit or proceeding to which he or any of his near relation, employer, employee or partner in business of his is a party or in which any of them may be personally interested, A Panch is 'personally interested' if he examines himself as a witness in a criminal proceeding before the Panchayati Adalat of which he is himself a Panch. The words' personally interested' do not only mean having a pecuniary interest. It is a wide term and it includes any position in which bias may be assumed to the accused.[4] Therefore it is better for such Panch or Sarpanch to refrain from taking any part in the proceeding of the case. Moreover rule 61 of the Act provides that in case a Panch or Sarpanch contravenes sub-section (3, of section 49 then he may be removed by the prescribed outhority or the State Government and in that case be shall not be entitled to be re-elected to a Gaon Sabha or Panchayat for a period of three years in any capacity. Therefore the proper course in these circumstances, is, to refer the case to the prescribed authority for constitution of a special bench according to rule 84 (b) of the Act.

[50. Filling of casual vacancies.—(1) If a vacancy in the office of a Panch arises by reason of his death, removal or resignation it shall, subject to the provisions of section 45, be filled for the unexpired part of his term by the prescribed authority by appointing a person from amongst the members for the time

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1. Ram Prasad *v.* State A. I. R. 1952 Allahabad 843; 1952 A. L. J. 161
2. Piary Lal *v.* State, 1954 A.L.J. 267.
3. Jaleel Ahmad *v.* Mansab, A. I. R. 1954 Allahabad 184; 1954 A. L. J. 184
4. Moti Lal *v.* State, A. I. R. 1952 Allahabad 963.

being of the Gaon Panchayat, and if the Panch vacating the office was also the Sarpanch or Sahayak Sarpanch a new Sarpanch or Sahayak Sarpanch, as the case may be, shall be elected in the manner provided in section 44.

(2) Any person appointed as Panch under sub-section (1) shall cease to be a member of the Gaon Panchayat from the date of his appointment and the vacancy so caused in the Gaon Panchayat shall be deemed to be a casual vacancy for the purpose of section 12-H.]

Leg. changes.—Section 50 has been substituted by U. P. (Amendment) Act No. II of 1955.

[**50-A. Powers of Sahayak Sarpanch.**—The Sahayak Sarpanch shall exercise such powers of the Sarpanch as may be prescribed.]

Leg. changes.—Section 50-A has been newly added by U. P. (Amendment) Act No. II of 1955.

51. Territorial jurisdiction—[(1) Notwithitanding anything contained in the Code of Criminal Procedure, 1898, every criminal case triable by a Nyaya Panchayat shall be instituted before the Sarpanch of the Nyaya Panchayat of the circle in which the offence is committed] ; and

(2) Notwithstanding anything contained in the Civil Procedure Code, 1908, every civil case instituted under this Act shall be instituted before the Sarpanch of the Nyaya Panchayat of the circle in which the defendant or any of the defendants, where they are more than one, ordinarily resides or carries on business at the time of the institution of the civil case irrespective of the place where the cause of action arose.

(3) [* *] [*Deleted*].

Leg. changes.—In section 51 th.e sub-section (1) has been substituted and sub-section (3) has been deleted by U. P. (Amendment) Act No. II of 1955.

[**52. Offences cognizable by a Nyaya Panchayats**—(1) The following offences as well as abetments of and attempts to commit such offences, if committed within the jurisdiction of a Nyaya Panchayat, shall be cognizable by such Nyaya Panchayat—

(*a*) offences under sectionsd 140, 160, 172, 174, 179, 269, 277, 283, 285, 289, 290, 294, 323, 334, 341, 352, 357, 358, 374, 379, 403, 411 (where the value of the stolen or mis-appropriated property in cases under section 379, 403 and 411 does not exceed fifty rupees), 426, 428, 430, 431, 447, 448, 504, 506, 509, and 510 of the Indian Penal Code, 1860 ;

(*b*) offences under section 24 and 26 of the Cattle Trespass Act, 1871 ;

(*c*) offences under sub-section (1) of sectian 10 of the United Provinces District Board Primary Edutation Act, 1926 ;

(*d*) offences under sections 3, 4, 7 and 13 of the Public Gambling Act,

(*e*) any otiher offence under aforesaid enactments or any other enactment as may, by notification in the official *Gazette*, be declared by the State Government to be cognizable by a Nyaya Panchayat ; and

(*f*) any ffence und r this Act or any rule made thereunder.

(1-A). The State Government may by order published in the official *Gazette* empower any Nyaya Panchayat to take cognizance of offences under sections 279, 286, 336 and 356 of the Indian Panal Code, 1860 and may like-wise withdraw any offence referred to in clauses (*a*) to (*d*) of sub-section (1) from the cognizance of Nyaya Panchayats generally or such Nyaya Panchayats as may be specified.]

(2) Any case relating to an offence under sections 143, 145, 151 or 153 of the Indian Penal Code, 1860, pending before any court may be transferred for trial to the Nyaya Panchayat, if in the opinion of such court the offence is not serious.

Leg. changes.—Sub-section (1) of section 52 has been substituted and sub-section 1-A has been added by U. P. (Amendment) Act No. II of 1955.

Comments.

Cognizance of offences by Nyaya Panchayat.—This section provides that certain offences under the Indian Penal Code, Cattle Trespass Act, U. P. District Board Primary Education Act, U. P. Panchayat Raj Act and rules made thereunder, Public Gambling Act and other enactments declared by the Government to be cognizable by the Panchayat Raj Act, shall be cognizable by the Nyaya Panchayat in whose jurisdiction such offences are committed. A perusal of sections 52, 55 and 56 shows that the Legislature has intended to make a particular class of cases exclusively cognizable and triable by the Panchayati Adalat unless an order under section 85 of the Act is passed with regard to them.[1] When a case is exclusively triable by the Panchayati Adalat the jurisdiction of the Panchayati Adalat cannot he ousted simply because it cannot inflict adequate sentence.[2] The discretion to transfer such cases lies with the Panchayati Adalat and not with the Magistrate. The Panchayati Adalat may return a complaint to the complainant under S. 58 (b) for filing it in the court of the Sub-Divisional Magistrate. It is not obligatory on the part of the Magistrate to split up a case and refer a part of the same triable by the Nyaya Panchayat for dicision. Sections 55 and 56 contemplate the entire case and not a case against a particular individual only. If the entire case is one which lies within the exclusive jurisdiction of the Panchayati Adalat it is to be tried by it and not by any other court. But if any one of the offences with which any individual accused stands charged is excluded from the jurisdiction of the Panchayati Adalat the entire case stands excluded notwithstanding the fact that the offences with which another accused is charged lie within the exclusive jurisdiction of the Panchyati Adalat.[3] There is no general right conferred on an accused to claim a separate trial and no such right has been created by the Panchayat Raj Act.[4] The jurisdiction of a Magistrate can be cancelled by the Panchayat Raj Act only when such a jurisdiction vests in the Panchayati Adalat. But where there is no Panchayati Adalat in existence it has been held that the jurisdiction of a Magistrate to try a criminal case, is not lost and the Magistrate can try the same.[5] The jurisdiction of a court depends upon a bonafide allegation made in the complaint and not upon the result of the case.[6]

Jurisdiction of the Nyaya Panchayat (Panchayati Adalat) for an offence unden S. 411, I. P. C.—In a case under section 411, I. P. C. it is the value of the property recovered from the possession of the accused that should be taken into

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1. Shanker Singh *v.* State, A. I. R. 1952 Allahabad 833 (L.B.); 1952 A. L. J. 199.
2. Sheo Dayal *v.* State, A. I. R. 1952 Allahabad 831; 1952 A. L. J 134
3. Chatter Singh *v.* The State, A. I. R. 1953 Allahabad 161;1953 A. L. J. 179.
4. Ibid.
5. Tunda *v.* State, A. I. R. 1953 Allahabad 621; 1953 A.L.J. 344.
6. Bhagwana *v.* State of U.P. through Ganga Ram, A.I.R. 1953 Allahabad 367; 1952 A.L.J. 135

consideration while deciding the jurisdiction of the Panchayati Adalat and not the value of the total property stolen and where the value of the stolen property recovered from the possession of the accused was less than Rs. 50 it was held that the case was triable by the Panchayati Adalat and the Magistrate was right to transfer the case to the Panchayati Adalat for trial.[1]

Jurisdiction of the Nyaya Panchayat (Panchayati Adalat) for an offence under S. 379 I. P.C.—In the above case of *Chedi* v. *State* it was also remarked by the judge that in cases of theft the critarion for deciding the jurisdiction of the Panchayati Adalat is certainly the value of the total stolen property.[2]

Cancellation of jurisdiction of Nyaya Panchayat (Panchayat Adalat)—In the case of *Shafi Ahmad* v. *State* it has been held that it is not open to the Sub-Divisional Magistrate to cancel partially the jurisdiction of the Panchayati Adalat in respect of a case.[3] Once a Magistrate comes to the conclusion that a Panchayati Adalat had no jurisdiction as regards a certain offence in a case and its conviction is bad in law he must cancel the jurisdiction of the Panchayati Adalat as regards the whole case.

Trial of Nyaya Panchayat complaints.—It appears that a Nyaya Panchayat cannot try its own complaint and in *State* v. *Hem Narain* it has been held that although an offence under S 172 is triable by the Panchayati Adalat yet in a case where the Panchayati Adalat is itself the complainant it cannot try the same in view of section 49 (3) of the Act.[4]

53. Security for keeping the peace—(1) Whenever the Sarpanch of a Nyaya Panchayat has reason to apprehend that any person is likely to commit a breach of peace or disturb public tranquility, he may call upon such person to show cause why he should not execute a bond for an amount not exceeding Rs. 100 with or without sureties for keeping the peace for a period not exceeding 15 days.

(2) The Sarpanch, shall after issue of such notice, [refer the matter to a Bench.]

The Bench may either confirm the order or discharge the notice after hearing such person and such witnesses as he may desire to produce.

(3) If the person required to execute a bond as aforesaid under sub-section (2) fails to do so, he shall be lible to pay a penalty upto five rupees as the Bench may for every day the default continues during the period fixed in the order.]

Leg. changes.—In section 53 the following changes have been made by U. P. (Amendment) Act No. II of 1955.

(1) In sub-section (2) the words "refer the matter to a bench" have been substituted for the words "Constitute within three days a bench to deal with the matter" and the words begining from "provided......resides" have been deleted and Sub-section (3) has been newly added.

Comments.

Object.—The object of this section is preventive and not penal and the section has been modelled on the line of section 107 Cr. P. C.

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1. Chedi v. State, A. I. R. 1953 Allahabad 752 ; 1953 A. L. J. 368
2. Chedi v. State, A. I. R. 1953 Allahabad 752;1953 A. L. J 368
3. Shafi Ahmad v. State, A. I. R 1953 Allahabad 564; 1952 A. L. J. 667.
4. State v. Hem Narain Singh. 1953 A. I. R. Allahabad 200; 1952 A. L. J. 670.

Scope.—A man is responsible for his own acts and proceeding under this section should only be taken when such person is directly conserned. In a case under section 107 Cr. P. C. it was held that a person cannot be made responsible for the acts of the members of his community and proceeding under this section cannot be taken against him unless it is established that he himself is likely to commit a breach of the peace or disturb public tranquility or to do any wrongful act that may occasion a breach of peace or disturb public tranquility.[1]

No compensation for false and frivolous accusation.—No compensation can be awarded to any person even if the accusation under S. 107 Cr. P. C. proves to be false.[2]

54. Penalties—(1) No Nyaya Panchayat shall inflict a substantive sentence of imprisonment.

(2) A Nyaya Panchayat may impose a fine not exceeding one hundred rupees but no imprisonment may be awarded in default of payment :

[Provided that no accused shall be tried for more than three offences in the same criminal case and the fine that may be imposed on any one accused in a criminal case shall not in the aggregate exceed one hundred rupees.]

Leg. changes,—In Sub-section (2) of section 54 at the end for the "full stop" the 'semi-colon' has been substituted and the proviso has been added by U. P. (Amendment) Act No. 11 of 1955.

Comments.

Scope of the section.—This section does not empower the Panchayati Adalat to inflict any substantive sentence of imprisonment even in case of default of the payment of fine by the accused. The Nyaya Panchayat is entitled to impose only a fine and the power to impose a fine by the Nyaya Panchayat has also been limited to a sum of Rs. 100 only. If a Nyaya Panchayat passes a sentence of imprisonment on any accused the sentence is without jurisdiction and outside the scope of the Nyaya Panchayat.

Sub-section (2)—Fines.—In *Mohan Singh* v. *State* it has been held that the section contemplates to limit the imposition of fine on each accused to Rs. 100 but where there are many accused the total fine imposed upon them all may exceed the limit of Rs. 100/- and there is no illegality in the sentence.[3] The newly added proviso to the section also limits the fine that may be imposed on any one accused in a criminal case by the Nyaya Panchayat. Such a fine on an accused person in a criminal case should not exceed in aggregate one hundred rupees.

[55. Cognizance of cases—(1) After a Nyaya Panchayat has been established for any area, no court except as otherwise provided in this Act shall take cognizance of any case triable by such Nyaya Panchayat.

(2) When a Naya Panchayat is suspended, superseded or dissolved under section 95, or for any other reason ceases to function, all cases pending before it shall stand transferred to the court of competent jurisdiction which shall dispose them of according to law :

Provided that the trial of all such cases in court shall commence *de novo* :

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[1] Mohammed Abdul Qayum v. Emperor, A. I. R. 1939 Lahore 363.
[2] Mannu Khan v. Chandi Prasad, A. I. R. 1922 Allahabad 321.
[3] Mohan Singh v. State, A. I. R. 1953 A. L. J. 265.

Provided further that a Nyaya Panchayat shll not be deemed to cease to function merely for the reason that its Panches have to be re-elected.

(3) Notwithstanding, anything contained in section 52 and in sub-section (1) of this section any court may take cognizance of any offence under sections 431 and 447 of the Indian Penal Code, 1860, if it is otherwise competent to do so.

(4) Notwithstanding anything contained in section 52 and sub-sections (1) to (3) of this section but subject always to the provision of the Code of Criminal Procedure, 1898, where any court has taken cognizance of any offence referred to in the said sections and a summon or warrant, as the case may be, has issued for the appearance of the accused in such case, the offence may be enquired into and tried by such court.]

Leg. changes.—Section 55 has been substituted by U. P, (Amendment) Act No. II of 1955.

Comments.

Cognizance of cases by Nyaya Panchayat.—A case cannot be said to be cognizable by the Panchayati Adalat unless all the offences were cognizable by it.[1] But a mere introduction of prayer under section 106, Cr. P.C. will not affect the jurisdiction of the Panchayati Adalat if the offences mentioned in the complaint are exclusively triable by it and the Panchayati Adalat is quite competent to try the same.[2] The jurisdiction of a court depends upon the bonafide allegation made in the complaint and not upon the result of it.[3] Every accused of a case cannot claim a separate trial either under the general law or under the Panchayat Raj Act.[4] It is not obligatory on the part of the Magistrate to split up a case and refer the case against certain accused to the Panchayat Court for trial.[5]

[56. Transfer of cases by courts to Nyaya Panchayats.—A Court, if it finds that a case is triable by a Nyaya Panchayat, shall, except as provided in sub-section 4 of section 55 transfer the case to the Nyaya Panchayat of competent jurisdiction, which shall thereafter try the same *de novo*.]

Leg. changes.—Section 56 has been substituted by U. P. (Amendment) Act No. II of 1955.

Comments.

Transfer.—This section contemplates the transfer of criminal cases to the Nyaya Panchayat under certain circumstances. It is a mandatory provision of the Act and it should be the duty of the Magistrate to transfer a case from his file if it is triable by the Panchayati Adalat when the Magistrate as not taken cognizance of the case. The Act gives exclusive jurisdiction to the Panchayati Adalat over a particular class of cases which may be frustrated if this provision is allowed to be contravened or liberally construed by the Magisterial Courts.

Transfer application by accused.—An accused is well within his right to move an application for transfer of his case covered by section 56 of the Act and the Magistrate, if he has not taken cognizance of the case and summons or

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1. Ram Bishal v. State, A. I. R. 1952 Allahabad 431.
2. Jaisri Tiwari v. State, A. I. R. 1951 Alld. 494.
3. Bhagawanu v. State of U. P. through Ganga Ram, A. I. R. 1953 Allahabad 367.
4. Chatter Singh v. State, A. I. R. 1953 Allahabad 161.
5. Supra.

warrants for the appearance of the accused have not been issued by him, should allow the application for transfer of the case to the Nyaya Panchayat. (See the case of *Jaisri Tiwari* v. *State* through *Bindeshri Tiwari*, A. I. R. 1951 Allahabad 494).

Commencement of this section.—There is no provision in the Act that section 56 will come into force after the Sarpanch and the Panches have been elected.[1] Therefore like any other provision of the Act this section shall be applicable from the date when it came into force, *i. e.* 27th December, 1947 and from this date the jurisdiction to try cases of the nature specified in section 52 vested in the Panchayati Adalat and other courts ceased to have jurisdiction to try them[2].

Appellate court jurisdiction to transfer cases.—In *Ajoydhya Singh* v. *Baleshwar Singh* it was held that the lower appellate court had jurisdiction to return the case to be tired by the Panchayati Adalat, when it found that the offence is one which is covered by section 52 of the Panchayat Raj Act.[3] In another case it was also held that where a case triable by the Panchayati Adalat is pending before the court of sessions or the High Court it is not necessary to transfer the same to the Panchayati Adalat.[4]

No partial transfer of a case.—Where one of the several accused is a previous convict the Magistrate cannot decide the case of the previous accused and transfer the case of the rest to the Panchayati Adalat. Section 59 (a) contemplates the whole offence and not the offence of any particular individual of a case.[5]

57. Summary dismissal of complaint—Nyaya Panchayat may dismiss any complaint if after examining complainant and taking such evidence as he produces it is satisfied that the complaint is frivolous, vexatious or untrue.

[**58. Transfer of cases by Nyaya Panchayat to courts.**—If at any time it appears to a Nyaya Panchayat—

(*a*) that it has no jurisdiction to try any case pending before it,

(*b*) that the offence involved is one for which it cannot award adequate punishment, or

(*c*) that the case should otherwise be tried by a court ;

it shall transfer the same to the court of competent jurisdiction and shall give information of such transfer to the parties concerned.]

Leg. changes.—Section 58 has been substituted by U. P. (Amendment) Act No. II of 1955.

Comments.

Summary.—This section empowers the Panchayati Adalat to transfer a case to the court of competent jurisdiction and inform the parties in the following circumstances :—

(1) When the Nyaya Panchayat has no jurisdiction to try any case pending before it,

(2) when the offence is one for which the Nyaya Panchayat cannot award adequate punishment, or

(3) when the case should otherwise be tried by a regular court.

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[1] Badri v. State, A. I. R. 1952 Alld. 211 ;1952 Cr. L. J. 395

[2] Kirpa Ram v. Ram Asarey, A. I. R. 1951 Alld. 414.

[3] Ajyodhya Singh v. Baleshwar Singh, A. I. R. 1952 Alld. 318.

[4] Ganga Prasad v. The State, A. I. R. 1953 Alld. 334.

[5] Gokaran v. State, A. I. R. 1953. Alld. 188.

Exercise of power of transfer under section 58.—The discretion as to whether a case triable by the Panchayati Adalat is to be retained or returned for the reasons stated in section 58 should be exercised by the Panchayati Adalat and not by the Magistrate. A Magistrate cannot retain a case triable by the Panchayati Adalat with him on the assumption that the Panchayati Adalat will not be able to award adequate punishment to the accused.[1]

Stage for transfer.—In a case where the complainant admitted in her statement that the value of the property removed by the accused was about Rs. 80 and where from the circumstances it was possible to draw a reasonable inference that bodily pain was caused to the complainant during the commission of theft it was held that the Panchayati Adalat had no jurisdiction to try the case and it overlooked the provision of section 58.[2] In these circumstances the proper course was to transfer the case to the S. D. M. having jurisdiction to try the same.

[59. **Certain persons not to be tried by Nyaya Panchayats.**—No Nyaya Panchayat shall take cognizance of any criminal case against a person where such person—

(*a*) has been previously convicted of an offence punishable with imprisonment of either description for a term of three years or more,

(*b*) has been previously fined for theft by any Nyaya Panchayat,

(*c*) has been bound over to be of a good behaviour under section 109 or 110 of the Code of Criminal Procedure, 1898,

(*d*) has been previously convicted under the Public Gambling Act 1867, or

(*e*) is a public servant.]

Leg. changes.—Section 59 has been substituted by U. P. (Amendment) Act No. II of 1955.

Comments.

Trial of certain persons by Nyaya Panchayat barred.—This section takes away the jurisdiction of the Nyaya Panchayat of offences committed by certain persons and a case although triable by the Nyaya Panchayat shall not be tried by it if it falls within the perview of this section.

Sub-section (a).—According to this sub-section a person who commits an offence triable by the Panchayati Adalat shall not be tried by it if he is a previous convict of an offence punishable with imprisionment of either description for a term of three years or more. It is not the quantum of sentence passed upon an ascused person which should be taken into consideration under section 59 (a) but the sentence provided for offence under which he has been previously convicted by that court. In *Nata* v. *The State* it was held that the sub-section means that the offence of which the accused person has been previously convicted should be one punishable with imprisionment of either desciption for a term of three years or more irrespective of the actual sentence that might have been passed upon him.[3]

Trial of whole offence barred.—Sub-section 59 (a) contemplates exclusion from the jurisdiction of the Panchayati Adalat of an offence not against a

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1. Lal Bachan Singh v. Suraj Bali Singh, A. I. R. 1952 Alld. 924,
2. Sant Prasad v. State, A. I. R. 1952 Alld. 785.
3. Nata v. State, 1954 A. L. J. 124.

certain individual but of the whole offence and where four persons jointly committed an offence of theft one of whom was a previous convict for more than three years imprisionment it was held that the Panchayati Adalat had no jurisdiction to try and take cognizance of the offence at all.[1]

60. Compensation to complainant.—In imposing any fine the Nyaya Panchayat may order any portion or the whole of the fine recovered to be applied—

(*a*) in defraying the expenses properly incurred in the criminal case by the complainant,

[(*b*) in the payment to any person of compensation for auy material loss or injury caused by the offence, or,]

[(*c*) in compensating any *bona fide* purchaser of stolen property for loss of the same, where property is restored to the possession of the person entitled thereto.]

Leg. changes.—In Section 60 the following changes have been made by U.P. (Amendment) Act No. II of 1955 :—

(1) In clause (*a*) the word "and" occurring at the end has been deleted. (2) The clause (*b*) has been substituted. (3) Clause (*c*) has been newly added.

[**61. Compensation to the accused.**—(1) If in any criminal case instituted before a Nyaya Panchayat any person is accused of any offence triable by a Nyaya Panchayat and the Nyaya Panchayat acquits the accused and is of the opinion that the accusation against him was false and either frivolous or vexatious, the Nyaya Panchayat may, call upon the complainant forthwith to show cause why he should not pay compensation to such accused.

(2) If after hearig the complainant, the Nyaya Panchayat is satisfied that the accusation was false and either frivolous or vexatious, it may direct that compensation not exceeding twenty five rupees be paid by such complainant to the accused.

Leg. changes.—Section 61 has been substituted by U. P. (Amendment) Act No. II of 1955.

62. Release of offenders on probation—The powers under section 4 of the United Provinces First Offenders Probation Act, 1938, may be exercised by a Nyaya Panchayat.

[**63. Enquiry in cases forwarded by magistrates**—Notwithstandig anything in the Code of Criminal Procedure, 1898, a Magistrate may direct an enquiry referred to in section 202 of the Code to be made by a Nyaya Panchayt in a criminal case in which the offence was committed within the territorial jurisdiction of such Nyaya Panchayat and the Nyaya Panchayat shall enquire into the case and submit its report to the said Magistrate. On the receipt of the directions the Sarpanch or Sahayak Sarpanch and in their absence the Panch mentioned in section 75, shall entrust it to a Bench formed under section 49.]

Leg. changes.—Section 63 has been substituted by U. P. (Amendment) Act No. II of 1955.

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[1] Gokaran v. The State, A. I. R. 1953. Alld. 188.

[64. Extent of juridiction in civil cases.—(1) Subject to the provisions of section 66 a Nyaya Panchayat may take cognizance of any civil case of the following description if its value does not exceed one hundred rupees—

(*a*) a civil case for money due on contract, other than a contract in respect of immovable property ;

(*b*) a civil case for the recovery of movable property or for the value thereof;

(*c*) a civil case for compensation for wrongfully taking or injuring a movable property, and

(*d*), a civil case for damages caused by cattle trespass.

(2) The State Government, may by notification in the official *Gazette*, direct that the jurisdiction of any Nyaya Panchayat shall extend to all such civil cases of the value not exceeding five hundred rupees.]

Leg. changes.—Section 64 has been substituted by U. P. (Amendment) Act No. II of 1955.

Comments.

Civil jurisdiction of Nyaya Panchayat.—Subject to the provision of section 66 this section empowers the Nyaya Panchayat to decide civil cases of the description and value given under it and although the nature of the civil cases to be cognizable by the Nyaya Panchayat has been limited but the pecuniary jurisdiction of the same regarding such civil cases may be extended by the State Government upto rupees five hundred.

Suit for recovery of moveable property or for the value thereof.—In *Raghu* v. *Panchayati Adalat* it was held that a suit for possession of moveable property and also for the price of it can be entertained by the Panchayati Adalat.[1]

Court fee:—The Panchayati Adalat shall charge a court-fee as prescribed in rule 105 of the Act before entertaining any civil case or revenue proceeding. Such court-fee is to be paid in cash.

65. [* * *] *Deleted.*

Leg. changes.—Section 65 has been deleted by U. P. (Amendment) Act No. II of 1955.

[66. Exclusion of Nyaya Panchayat's jurisdiction.—Subject to the provisions of section 64, a Nyaya Panchayat shall have no jurisdiction to take cognizance of the following civil cases—

(1) a civil case for a balance due on partnership account, except where the balance has been struck by the parties or their agents ;

(2) a civil case for a share or part of a share under an intestacy or for a legacy or part of a legacy under a will ;

(3) a civil case by or against the State Government or the Central Government or a public servant for acts done in his official capacity ;

(4) a civil case by or against a minor or a person of unsound mind ; and

(5) a civil case the cognizance of which by a Panchayat established under the U. P. Village Panchayat Act, 1920, is barred by section 25 of the United Provinces Debt Redemption Act. 1940.]

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[1] Raghu v. Panchayati Adalat, A. I. R. 1953 Alld. 528.

Leg. changes.—Section 66 has been substituted by U. P. (Amendment) Act No. II of 1955.

67. Civil case to include the whole claim.—(1) Every civil case instituted before a Nyaya Pauchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute, but he may relinquish any portion of his claim in order to bring the civil case within the jurisdiction of the Nyaya Panchayat.

(2) If a plaintiff omits to sue in respect of or relinquishes any [portion of his claim,] he shall not afterwards sue in respect of the [portion] so omitted or relinquished.

Leg. changes.—In Sub-section (2) of section 67 for the words "Portions of it" the words "portion of his claim" have been substituted and for the word portions" occurring between the words "of the" and "so omitted" the word "portion" has been substituted by U.P. (Amendment) Act No. II of 1955.

68. Limitations.—Every civil case instituted before a Nyaya Panchayat after the period of limitation prescribed therefor in the Schedule shall be dismissed, even though limitation has not been set up as a defence :

[Provided that in computing the period of limitation prescribed for any civil case the time during which the plaintiff has been prosecuting with due diligence another civil case against the defendant in any court, shall be excluded where the other case is founded upon the same cause of action and is prosecuted in good faith in a court which from defect of jurisdiction or other cause of a like nature is unable to entertain it.]

Leg. changes.—In section 68 for the full stop at the end, a colon has been substituted and the proviso has been added by U. P. (Amendment) Act No. II of 1955.

69. Effect of the decision by Nyaya Panchayat.—The decision of a Nyaya Panchayat on the question of title, legal character, contract or obligation shall not bind the parties except in respect of the civil case in which such matter is decided.

70. [**] *Deleted.*

71. [**] *Deleted.*

72. [**] *Deleted.*

Leg. changes.—Sections 70, 71, and 72 have been deleted by U.P. (Amendment) Act No. II of 1955.

73. Res-judicata and pending civil cases.—(1) No Nyaya Panchayat shall try any civil case, revenue case or issue in respect of any matter which is pending for decision in, or has been heard or decided by a court of competent jurisdiction in a former civil case between the same parties or between the parties under whom they or any of them claim.

(2) Where a criminal case is pending in any court against an accused person in respect of any offence or where an accused person has been tried for any offence, no Nayaya Panchayat shall take cognizance of any such offence or on the same facts, of any other offence of which the accused might have been charged or convicted.

Comments.

Res judicata.—Sub-section (1).—This sub-section embodies the doctrine of res judicata which is based on the principle that no one should be vexed twice for the same cause and there should be a finality of litigation. The Provision of this sub-section is mandatory and doctrine of res judicata should be applied liberally. The principle underlying this sub-section is the same as that of section 11 ot the Code of Civil Procedure which may be perused with greater advantage.

Sub-section (2).—This sub-section is based on the principle embodied in section 403 Cr. P. C. which lays down that no one should be punished or put in peril twice for the same matter. But this sub-section will not apply where two complaints relate to two different incidents.[1]

74. Concurrent jurisdiction.—Where a [criminal, civil or revenue case] is maintainable in more than one Nyaya Panchayat, the plaintiff or the applicant or the complainant, as the case may be, may bring the [criminal, civil or revenue case] in any one of such Nyaya Panchayat. Any dispute regarding jurisdiction shall be decided by the Sub-Divisional Magistrate, Munsif or Sub-Divisional Officer, having jurisdiction, as the case may be.

Leg. changes.—In Section 74 for the words "case suit or proceeding" the words "criminal, civil or revenue case' have been substituted by U. P. (Amendment) Act No. II of 1955.

[**74-A. Trial when cause of action in a civil case or revenue case arises in circles more than one.**—Section 10 of the Code of Civil Procedure, 1908, shall apply to trial of revenue cases, and civil cases pending before two or more Nyaya Panchayats having jurisdiction.

74-B. Trial where scene of offence is uncertain or not in one circle only or where offence is a continuing one or consists of several acts.—Where it is uncertain in which of several circles an offence was committed or where an offence was committed partly in one circle and partly in another or where an offence is a continuing one and continues to be committed in more circles than one or where it consists of several acts done in different circles, it may be enquired into by a Nyaya Panchayat having jurisdiction in any such circles.]

Leg. changes.—Sections 74-A and 74-B have been newly added by U. P. (Amendment) Act No. II of 1955.

75. Institution of civil and criminal cases.—(1) Any person who wishes to institute a [civil, criminal or revenue case] under this Act before a Nyaya Panchayat may make an application orally or in writing to the Sarpanch [and in his absence to the Sahayak Sarpanch] of the Nyaya Panchayat or in case of [their] absence from the circle to such other Panch as [may have been appointed by the Sarpanch] in this behalf and shall at the same time pay the prescribed fee. The Court Fees Act, 1870, shall not apply to Nyaya Panchayat except as may be prescribed. In every civil case the plaintiff shall state its value.

[(2) Where a [civil, criminal or revenue case] is instituted orally, the Sarpanch, Sahayak Sarpanch or Panch receiving the application shall record without delay the prescribed particulars and the signature or thumb-impression of the applicant shall be taken thereon.]

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1. Jaleel Ahmad v. Mansab, 1954 A. L. J. 184.

Leg. changes.—In section 75 the following changes have been made by U. P. (Amendment) Act No. II of 1955. Section 75 has been re-numbered as sub-section (1) of new S. 75 and in this sub-section (1) between the words 'Sarpanch" and "of" the words "and in his absence to the Sahayak Sarpanch" have been added. For the word " his" occurring between the word "of" and "absence" the word "their" has been substituted. For the words "he may have appointed" the words "may have been appointed by the Sarpanch" have been substituted and sub-section (2) has been newly added.

Comments.

Court-fee.—The section expressly bars the application of Court-Fee Act except as prescribed under the rules. The necessary court-fee to be paid in instituting a suit, case or proceeding under this Act before a Panchayati Adalat is given in rule 105 of the Act. The payment of such fee can not be avoided but in criminal cases the Adalat may waive the payment of the prescribed fee on reasons to be recorded in the prescribed register.

[76. **Application to be laid before the Bench.**—The Sarpanch, Sahayak Sarpanch or in their absence the Panch mentioned in section 75, shall thereupon lay the application before a Bench of the Nyaya Panchayat formed under section 49 for disposal and shall also fix a date for the first hearing of the application before the said Bench and give notice of the date to the applicant, complainant or plaintiff as the case may be and to the members of the Bench.]

Leg. changes.—Section 76 has been substituted by U. P. (Amendment) Act, No. II of 1955.

[77. **Chairman of a Bench.**—The Bench shall choose one of the members to be the Chairman of that Bench who shall conduct the proceedings :

Provided that where the Sarpanch or the Sahayak Sarpanch is a member of the Bench he, and where both of them are members of the same Bench the Sarpanch shall be the Chairman.]

[**Leg. changes.**—Section 77 has been substituted by U. P. (Amendment) Act. No. II of 1955.

77-A. Absence of a Panch from the Bench.—(1) If any Panch appointed to a Bench constituted under section 49[**] is absent at any hearing, the remaining Panches may, notwithstanding anything contained in this Act, try the [civil, criminal or revenue case,] provided, however, that at least three Panches, including the Chairman, are present, and provided further that at least one of the Panches present is able to record evidence and proceedings.

(2) No trial as aforesaid shall be invalid by reason merely that all the five Panches forming the Bench were not present at any hearing or that the same Panches were not present at all the hearings.

(3) The provisions of sub-sections (1) and (2) shall *mutatis mutandis* apply to an inquiry made by a Nyaya Panchayat under section 63.

Leg. changes.—In sub-section (1) of section 77-A the words "for the trial of a case, suit or proceeding" have been deleted by U. P. (Amendment) Act No. II of 1955.

This section was added by the U. P. Panchayat Raj (Second Amendment) Act, 1952. The provisions of this section have been given retrospective effect as provided under section 4 of this Amending Act.

Comments.

Retrospective effect of the section.—In *Badri Prasad* v. *Sri Nath* it has been held that although the amending section has been given retrospective effect but it cannot reopen orders or decisions already made.[1] It follows, therefore, that cases already decided cannot be reviwed or amended in the light of the amendment.

Proviso of section 77-A (1).—The presence of the Chairman on every date in the case is not necessary. The effect of section 77-A (1) is that if any Panch is absent at any hearing, the case may be tried by the remaining Panches. A Chairman is also a Panch and if he happens to be absent the case may be tried by the remaining Panches. It is not reasonable to say that the words "any Panch" in the section do not include the Chairman, specially when he is one of the Panches and not the Sarpanch. The proviso to the section does not mean that the Chairman must be present on every date. If all the five Panches are present it means that the Chairman is also present. It is only when there are three Panches present in a case that the proviso applies and in that case one of them must be the Chairman in order to try the case. But if there are four Panches present then there is nothing in the proviso to suggest that one of them must be the Chairman. The words "including the Chairman" govern the preceding words "three Panches". It means that if three Panches are present then the Chairman must be one of them. The case of there being four Panches has not been dealt by the proviso. A case can be tried by four Panches as permitted by section 77-A (1) even though the Chairman is not one of them. If the Legislature intended the Chairman to be present on every date it would have used some such word as "provided, however, that the Chairman and at least two Panches are present."[2] This was the view as expressed in *Mohan Lal* v. *The Sarpanch Panchayati Adalat*, *Ugaipur*. But this case was not followed and has been overruled in *Sheomorat* v. *Bhagwati Prasad* and it has now been held that the Panches constituting the bench of the case must include the Chairman.[3]

Delivery of judgement.—Section 77-A allows the delivery of judgment by Panches less in number than five in the circumstances mentioned therein.[4]

Judgement delivered by three Panches.—A perusal of section 77-A shows that it is open to the Panches present at the time of hearing to proceed with the case provided there are at least three Panches present and the Chairman is one of them. The words "try the case" include delivery of judgment also and if three Panches, including the Sarpanch, have been present at all the hearings and have signed the judgment, the judgment cannot be assailed on that ground.[5] In these circumstances it is also possible for as many as two Panches to refrain from taking any part in the proceedings of the case.[6]

No dissolution of bench of five on the death of one Panch.—There is no automatic dissolution of the bench of a case when there are five Panches and

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1. Badri v. Sri Nath, A.I.R. 1953 Alld. 323.
2. Mohan Lal v. The Sarpanch Panchayati Adalat Ugaipur; 1953 A.L.J. 586.
3. Sheomoorat v. Bhagwati Prasad, 1954 A.L.J. 26, (D.B.).
4. Baldeo v. The State, 1954 A.L.J. 232.
5. Piarey Lal v. State, 1954 A. L. J. 267.
6. Jaleel Ahmad v. Mansab, 1954 A. L. J. 184.

one of them dies. The remaining Panches can proceed with the case provided one of the Panches is capable of recording the proceedings.[1]

78. Dismissal of civil and criminal case in the absence of the party concerned.—(1) If the plaintiff, the complainant, or the applicant fails to appear after having been informed of the time and place fixed for hearing, the Nyaya Panchayat may dismiss the [civil, criminal or revenue case, or pass] such order as it may deem fit.

(2) The Nyaya Panchayat may hear and decide the civil, criminal or revenue case in the absence of the defendant, accused or opposite party, if the summons have been served upon him or if he has been informed of the time and place fixed for hearing.

Comments.

Absence of accused, defendant or opposit party—The word 'absence' as used in this section means a voluntary absence and not by reason of compelling circumstances, and in *Sant Prasad* v. *State* it was held that where there was no service of summons on the accused as provided in rules 115, 117 and 118 and the case was tried exparte in the absence of the accused who was convicted. Such a conviction of the accused was inaffective and could not be sustained.[2] The Panchayati Adalat also can not impose a fine on an accused who, inspite of service of summons, fails to appear at the hearing of his case but the Panchayati Adalat may decide the case exparte.[3]

79. Nyaya Panchayat not to revise or alter its decision.—(1) Except as provided in sub-section (2), or to correct a clerical error, a Nyaya Panchayat shall have no power to cancel, revise or alter any decree or order passed by it.

(2) A Nyaya Panchayat may, for sufficient reasons to be recorded, on application made within one month of the date of the decree or order or knowledge thereof in case personal service of summons has not been affected restore any civil, criminal or revenue case which has been dismissed in default or in which a decree or order has been passed *ex parte*.

[80. Legal practitioner not to appear before Nyaya Panchayat—No legal practitioner shall appear, plead, or act on behalf of any party before a Nyaya Panchayat:

Provided that a person who is arrested and is detained in custody shall have the right to consult and be defended by a legal practitioner of his choice.]

Leg. changes.—Section 80 has been substituted by U. P. (Amendment) Act No. II of 1955.

Comments.

Object.—The object of this section is, in general, to bar the appearance of legal practitioners before the Nyaya Panchayat except in case where a person is under arrest and is detained in custody. It appears that even in a case where a person is arrested but not detained in custody the section bars such person to be represented or defended by a legal practitioner. This section makes discrimination between two accused persons on the basis of one being under arrest

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1. Ram Garib v. Panchayati Adalat, 1954 A. L. J 441.
2. Sant Prasad v. State, A. I. R. 1952 Alld. 785 ; 1951 A. L. J. 719.
3. Ram Garib v. Panchayati Adalat, 1954 A.L.J. 441.

and detention and the other at liberty and it is in case where an accused person is deprived of his personal liberty by a Nyaya Panchayat that he is entitled to be represented by a legal practitioner but not otherwise. In *Tej Bahadur Singh* v. *State* it was contended that the proviso to section 80 brings about discrimination between two such accused persons and this offends against the equal protection clause of the Constitution. But this contention was rejected.[1]

81. Appearance in person or by representative.—Subject to the provisions of section 80, any party to a [civil, criminal or revenue case] may appear before a Nyaya Panchayat either in person or by such servant (not being a tout), partner, relation or friend [duly authorised in writing] by him as the Nyaya Panchayat may admit as a fit person to represent him :

[Provided that no stamp duty shall be required to be paid for any power of attorney filed under this section.]

Leg. changes.—In section 81 for the word "authorised" the words "duly authorised in writing" have been substituted. For the "full stop" at the end "a colon" has been substituted and the proviso has been newly added by U. P. (Amendment) Act No. II of 1955.

[**82. Special jurisdiction in certain matter.**—Notwithstanding anything contained in this Act or in any other law for the time being in force, it shall be lawful for a Nyaya Panchayat to decide any dispute arising in its local area and not pending in any court in accordance with any settlement, compromise or oath agreed upon in writing by the parties.]

Leg. changes.—Section 82 has been substituted by U. P. (Amendment) Act No. II of 1955.

83. Procedure and power to ascertain truth.—[(1) The Nyaya Panchayat shall receive such evidence in a [civil, criminal or revenue case] as the parties may adduce and may call for such further evidence as, in their opinion, may be necessary for the determination of the points in issue. It shall be the duty of the Nyaya Panchayat to ascertain the facts of every [civil, criminal or revenue case] before it by every lawful means in its power and thereafter to make such decree or order, with or without costs, as to it may seem just and legal. It may make local investigation in the village to which the dispute relates. It shall follow the procedure prescribed by or under this Act. The Code of Civil Procedure, 1908, the Code of Criminal Procedure, 1898, the Indian Evidence Act 1872 and the Indian Limitation Act, 1908, shall not apply to any [civil, criminal, or revenue case] in a Nyaya Panchayat except as provided in this Act or as may be prescribed.

[(2) Nothing in this sub-section shall entitle any party to compound any offence which is not compoundable under the provisions of the Code of Criminal Procedure, 1898, or to compound an offence without the permission of the Bench concerned, if it is compoundable with permission under the provisions of the said Code.]

Leg. changes.—Section 83 has been renumbered as sub-section (1) of new section 83 and sub-section (2) has been newly added by U. P. (Amendment) Act No. II of 1955.

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[1] Tej Bahadur Singh v. State, 1955 A.L.J. 681.

Comments.

Scope of the section.—The Panchayati Adalat has very wide powers under this section regarding evidence and procedure to be followed in a case but it cannot overside the express provision of section 49 (3) of the Act.[1] Therefore the Panchayati Adalat cannot exceed the powers given in this section and where a commission was not apppinted by any of the Panches of the Adalat in the case but was appointed by the Sarpanch who was not the member of the bench it was held that the very appointment of the commission by the Sarpanch was *ultra vires* and without jurisdiction.[2] The provisions of this Act have no where authorised a Panchayati Adalat to take the help of the outsiders in making investigations regarding matters connected with the case.[3]

Local investigation.—There is no doubt that the Panchayati Adalat is empowered to make lacal investigation and issue commission for ascertaining the facts of a case before it but local investigation cannot take the shape of a secret enquiry. Such secret enquiry is unlawful and not permitted under the tigations provisions of the Panchayat Raj Act,[4]

Commissions issued by the Panchayati Adalat.—The Panchayati Adalat commits no illegality if it issues a commission and takes into consideration the commissioner's report in deciding the case.[5]

Applications of certain Acts in cases under this Act barred.—The application of Code of Civil Procedure, Criminal Procedure, Law of Limitation and Evidence Act have expressly been barred by this section except as provided or prescribed under this Act. In *Badri* v. *State* it has been held that these Codes and Acts will not be applicable in any suit, case or proceedidg under this Act at any stage whether they are in their initial stage before the Panchayati Adalat or in revision before the S. D. M. or in the High Court.[6]

District Magistrate's power of revision under Cr. P. C. barred—The judgments or orders of the Panchayati Adalat or of the Sub-Divisional Magistrate can only be revised by the High Court and not by the District Magistrate. Section 435 Cr. P. C. cannot be applied to any case under the Panchayat Raj Act and a District Magistrate is not competent to revise the order of the Sub-Divisional Magistrate.[7]

Limitation for revision.—There is no provision either in the Act or rules by which the period taken in obtaining copy of judgment of the Panchayati Adalat may be excluded from the period of limitation for filing a revision which is 60 days from the date of the order. The law of Limitation has, expressly, been made inapplicable to the proceedings under the provisions of this Act and only because there is some inconsistancy in the provisions of this Act the Indian Limitation Act will not apply. The period taken in obtaining the copy of the order cannot be excluded from the period of limitation for filing the revision in a case under the Panchayat Raj Act.[8] But now under the amended section 89 it has been provided that the revision application may lie within 60 days from the date of the order complained of or where personal service of summons had not been affected on the applicant from the date of the knowledge of the order.

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[1] Banshi v. State, 1951 A. L. J. 654. See also Tej Bahadur Singh v. State, 1954 A. L. J. 631.
[2] Jodhey v. State, A. I. R. 1952 Alld. 788 ; 1952 A. L. J. 493.
[3] Sant Prasad v. State, A. I, R. 1952 Alld. 785 ; 1951 A. L. J. 719.
[4] Daulat Ram v. Panchayatl Adalat, 1953 A.L.J. 731.
[5] Kesho Datta v. Panchayati Adalat, 1953 A.L.J. 525 (F.B.).
[6] Badri v. State, A. I.R 1952 Allahabad 38.
[7] Girdhar Lal v. State, 1952 A. L. J. 148.
[8] Shive Deni Rai v. Bans Narain Rai, 1954 A.L.J. 200.

84. Majority to prevail.—In the event of any disagreement between the Panches the opinion of the majority shall prevail.

[**85. Power of superior courts to transfer cases from Nyaya Panchayats.**—(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard or on his own motion without such notice the Sub-Divisional Magistrate, the Munsif or the Sub-Divisional Officer, according as the case pending before a Nyaya Panchayat is a [criminal civil or revenue case] may, at any stage, withdraw the same and—

(*i*) try to dispose of the same, or

(*ii*) transfer it to another Bench of the Nyaya Panchayat, or

(*iii*) transfer the same for trial or disposal to any other Magistrate, Munsif, or Assistant Collector competent to try or dispose of the case.

(2) Where any criminal [case], civil [case] or revenue case has been withdrawn under sub-section (1) the court or officer who thereafter tries such criminal, civil or revenue case may either re try it or proceed from the point at which it was withdrawn.

(3) If any application under sub-section (1) is either frivolous or vexatious the applicant may be fined up to fifty rupees by the Sub-Divisional Magistrate, the Munsif, or the Sub-Divisional Officer, as the case may be.

Leg. changes.—Section 85 has been substituted by U. P. (Amendment) Act No. II of 1955.

86. Issue of summons to witnesses.—A Nyaya Panchayat may, if it considers the evidence of, or the production of a document by, any person necessary in a civil, criminal, or revenue case, issue and cause to be served in the prescribed manner, a summon on such person to compel his attendance or to produce or cause the production of such document, and such person shall be bound to comply with the direction contained in the summons.

Comments.

Summoning of witnesses and documents, etc ,—The procedure for summoning the witnesses, accused or documents, etc., before a Nyaya Panchayat in respect of a case, suit or proceeding is given under the rules 112, 113 and 114, etc.

87. Penalties for failing to appear before a Nyaya Panchayat.—If any person who is summoned by a Nyaya Panchayat by a written order to appear to give evidence or to produce any document before it, wilfully disobeys such summons or notice or order, the Nyaya Panchayat may make a complaint to the Magistrate having jurisdiction and the said person shall be punishable with fine which may extend to twenty-five rupees :

Provided that no woman shall be compelled to appear in person before the Nyaya Panchayat. She may be examined on commission in the manner prescribed :

Provided also that if a document is produced in obedience to a summon issued under this section, the Nyaya Panchayat shall cause the document to be copied, mark the copy, after comparing with the original, to be true copy, and return original document to the person producing the same ;

[Provided further that where it appears to the Nyaya Panchayat that a witness is unable to appear before it by reason of illness or physical infirmity or that his presence cannot be procured without unreasonable delay, expense or inconvenience, it may subject to such restrictions as may be prescribed, issue a commission in the manner prescribed to take the evidence of such witness. The evidence so taken shall form part of the record of the case.]

Leg. changes.—In section 87 at the end of second proviso, for 'full stop' a 'colon' has been substituted and 3rd proviso has been newly added by U. P. (Amendment) Act No. II of 1955.

Comments.

Complaint to the Magistrate for wilful disobedience of order.—This section contemplates a complaint by the Panchayati Adalat against a person who wilfully disobeys summons, notice or order issued by the Panchayati Adalat. The provisions of this section do not empower the Panchayati Adalat to impose a fine on such person for disobedience of such summons, notice or order issued by the Panchayati Adalat. What the Panchayati Adalat should do, in a case where a person fails to appear even after service of notice upon him, is to file a complaint against him in a competent court.[1]

Examination of a woman on commission.—The second proviso of this section does not empower the Panchayati Adalat to compel before it the appearence of a woman in person but under rule 99 of the Act she may be examined on commission. The Nyaya Panchayat has now been empowered also under the third proviso of this section to issue a commission in the circumstances mentioned therein.

88. Dismissal of civil cases, etc.—A Nyaya Panchayat may dismiss any civil or revenue case if after examining the plaintiff or the applicant it is satisfied that civil or revenue case is frivolous, vexatious or untrue.

89. Revision.—A Sub-Divisional Magistrate, Munsif or Sub-Divisional Officer, according as it is a [criminal, civil or revenue case,] may either on his own motion or on the application of any party made within 60 days from the date of the order complained of or where personal service of summons had not been effected on the applicant from the date of the knowledge of the order call for the record of any case which has been decided by a Nyaya Panchayat and if it appears to him that injustice or material irregularity has occurred, he may make such order in the case as he thinks fit.

Explanation.—Failure to exercise a jurisdiction vested by law or exercise of jurisdiction in excess of that vested by law shall for purposes of this section be deemed to be a material irregularity.

(2) Without prejudice to the generality of the foregoing provisions, the Sub-Divisional Magistrate, Munsif or Sub-Divisional Officer, as the case may be, may—

(*a*) quash the decree or order passed by the Nyaya Panchayat,

(*b*) modify the order,

(*c*) remand the case to the Nyaya Panchayat for retrial with such direction as he may deem fit, or

(*d*) try the case himself or transfer it to another court or Officer competent to try the same.

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[1] State through Deep Narain Singh v. Hem Narain Singh, A. I. R. 1953 Alld. 200 : 1953 A. L. J. 670 : 1953 A.W.R. (H.C.) 649.

(3) If any application under sub-section (1) is found by the Sub-Divisional Magistrate, Munsif or Sub-Divisional Officer, as the case may be, to be frivolous or vexatious, he may, for reasons to be recorded, make an order for the payment to the opposite party by the applicant of special costs not exceeding fifty rupees by way of compensation.

(4) Except as aforesaid, a decree or order passed by a Nyaya Panchayat in any civil, criminal or revenue case shall not be open to appeal or revision in any court.

Leg. changes.—Section 89 has been substituted by U. P. (Amendment) Act No. II of 1955.

Comments.

Duty of revisional court.—The Panchayati Adalat is a new institution and it is, therefore, essential that the Magistrate should take adequate pains over the judgments and orders that they pass in revisions against the orders of the Panchayati Adalat.[1]

90. Summons to defendant or accused persons.—A Nyaya Panchayat after an application is made under section 75 shall, unless it has been dismissed or otherwise disposed of under the provisions of this Act, cause summons in the prescribed form to be served in the prescribed manner on the defendant or the accused person or an opposite-party requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the plaintiff or complainant or the applicant to attend and produce his evidence at such time and place.

Comments.

Summons in the prescribed form.—Form No. 4 made under the rules may be perused for summoning the defendants or the accused.

Served in the prescribed manner.—The procedure according to which service of the summons should be affected is given under rule 118 and the same may be perused. In a case where the accused or the defendant resides out side the jurisdiction of the Panchayati Adalat issuing the summons the mode prescribed under rule 120 of the Panchayat Raj Rules should be followed.

91. [* *] *Deleted.*

Leg. changes.—Section 91 has been deleted by U. P. (Amendment) Act No. II of 1955.

92. Payment or adjustment of decree to be recorded.—If on the application of the decree-holder or the judgment-debtor, the Nyaya Panchayat which passed the decree finds after enquiry that the decree has been satisfied wholly or in part, the Nyaya Panchayat shall record the fact in the prescribed register.

[**93. Execution of decrees.**—(1) A decree or order passed by a Nyaya Panchayat shall be executed by it in such manner as may be prescribed. If the property of the defendant, or opposite party is situated outside the jurisdiction of the Nyaya Panchayat passing the decree or order, it may, in the manner prescribed transfer the decree or order for execution to the Nyaya Panchayat, within whose jurisdiction the property may be situated, and if there be no Nyaya Panchayat then to the court of the Munsif or Sub-Divisional Officer, as the case may be, within whose jurisdiction it may be situated.

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[1] **Musai Bhant v. Ganga Charan and State of U. P., A. I. R. 1953 Alld. 118 ; 1952 A. L. J. 88**

(2) If a Nyaya Panchayat finds any difficulty in executing a decree or order, it may forward the same to the Munsif or Sub-Divisional Officer, as the case may be, who shall then execute the same as if it were a decree or order passed by him.]

Leg. changes.—Section 93 has been substituted by U. P. (Amendment) Act No. II of 1955.

Comments.

Execution of decrees.—For procedure of executing a decree see rule 128, 128-A and 128-B of the Panchayat Raj Rules.

94. Racovery of fine.—[Any fine imposed, or compensation ordered to be paid in section 61] by a Nyaya Panchayat shall be recoverable in the manner [prescribed]. But if the Nyaya Panchayat finds any difficulty in its recovery, it may request the Sub-Divisional Magistrate within whose jurisdiction the Nyaya Panchayat lies to recover it and he shall recover it as if the sentence of fine had been passed by him.

Leg. changes.—In section 94 for the words "The fine imposed in a case" the words "Any fine imposed, or compensation ordered to be paid in section 61" and for the words "provided in section 386 of the Code of Criminal Procedure, 1898," the word "prescribed" has been substituted by U. P. (Amendment) Act No. II of 1955.

[94-A. Contempt of Nyaya Panchayat.— If any person intentionally offers any insult to a Nyaya Panchayat or any member thereof, while it is sitting in any stage of judicial proceedings in its or his view or presence or refuses to take oath duly administered or sign a statement made by the said person when legally required to do so, the Nyaya Panchayat may at any time before rising on the same day take cognizance of the offence and sentence the offender to a fine not exceeding five rupees.

(2) The fine imposed under sub-section (1) shall, for the purpose of section 94 be deemed to be a fine imposed in a criminal case.]

Leg. changes.—Section 94-A has been added by U. P. (Amendment) Act No. II of 1955]

CHAPTER VII.

External Control.

95. Inspection.—(1) The State Government may—

(a) cause to be inspected any immovable property owned by a Gaon Sabha, used or occupied by a Gaon Panchayat or a joint [or a Nyaya Panchayat] or any work in progress under the direction of such Gaon Panchayat or joint [or a Nyaya Panchayat;]

(b) by an order in writing call for and inspect a book or document in the possession or under the control of a Gaon Panchayat or a joint [or a Nyaya Panchayat];

(*c*) by an order in writing require a Gaon Panchayat or a joint [or a Nyaya Panchayat] to furnish such statements, reports or copies of documents, relating to the proceedings or duties of the Gaon Panchayat or such [or a Nyaya Panchayat] as it thinks fit ;

(*d*) record in writing for the consideration of a Gaon Panchayat or joint committee; any observation which it thinks proper in regard to the proceedings or duties of such Gaon Panchayat or joint committee ;

(*e*) istitute any enquiry in respect of any matter relating to a Gaon Sabha, Gaon Panchayat or [Nyaya Panchayat] ; and

[(*f*) suspend, supersede or dissolve any Gaon Sabha, Gaon Panchayat, Joint committee or Nyaya Panchayat if in the opinion of the State Government such Gaon Sabha, Gaon Panchayat, Joint Committee or Nyaya Panchayat has abused its position or has continuously failed to perform the duties imposed upon it by or under this Act or if its continuance is not considered desirable in public interest ;

Explanation.—Suspention or supersession may be for such period as may be specified,

(*g*) suspend or remove a member of a Gaon Panchayat or joint committee, an office-bearer of a Gaon Sabha or a Panch, Sahayak Sarpanch or Sarpanch of a Nyaya Panahayat, if he—

(*i*) absents himself without sufficient cause from more than three consecutive meetings or sittings,

(*ii*) refuses to act or becomes incapable of acting for any reason whatsoever or if he is accused of or charged for an offence involving moral turpitude,

(*iii*) has abused his position as such or has persistently failed to perform the duties imposed by this Act or rules made thereunder or his continuance as such is not desirable in public interest, or

(*iv*) being a Sahayak Sarpanch or a Sarpanch of the Nyaya Panchayat takes active part in politics.

(2) A person removed under sub-clause (*iii*) and (*iv*) of clause (*g*) of subsection (*i*) of this section shall not be entitled to be re-elected or re-appointed to any office under this Act for a period of five years or such lesser period as the State Government may order in any case.

(3) No order made by the State Government under this section shall be called in question in any court.

(4) Where any Gaon Sabha, Gaon Panchayat or joint committee is superseded the State Government may appoint such person or persons to exercise and perform the powers and duties thereof as it may deem fit.

Leg. changes.—By U. P. (Amendment) Act No. II of 1955 the following changes have been made in section 95. (1) Section 95 has been renumbered as sub-section (1) of S. 95. (2) In clauses (a), (b) and (c) the word "committee" wherever occurring the words "or a Nyaya Panchayat" have been substituted. (3) Clause (f) of sub-section (1) has been substituted. (4) Clause (g) has been newly added. (5) sub-sections (2), (3) and (4) have been newly added.

95 A. (1) If at any time it appears to the State Government that a Gaon Sabha or a Gaon Panchayat has made default in performing a duty imposed on it by or under this or any other enactment, the State Government may by order in writing fix a period for the performance of that duty.

(2) If the duty is not performed within the period so fixed, the State Government may direct such authority as may be specified to perform it and may further direct that the expenses. If any, of performing the duty shall be paid from the Gaon Fund and thereupon the person having the custody of the fund shall pay the amount from such fund.

96. Prohibition of certain proceedings.—(1) The prescribed authority or any other officer specially empowered in this behalf by the State Governmen on information received or on his own initiative, may, by order in writing prohibit the execution or further execution of a resolution or order passed or made under this or any other enactment by a Gaon Sabha, Gaon Panchayat or a joint committee, or any officer or servant thereof if in his opinion such resolution or order is of a nature as to cause or likely to cause obstruction, annoyance or injury to the public or to any class or body of persons lawfully employed, or danger to human life, health or safety, or riot or affray. It may prohibit the doing or continuance by any person of any act in pursuance of or under cover of such resolution or order.

(2) Where an order is made under sub-section (1) a copy thereof, with a statement of the reasons for making it shall forthwith be forwarded by the prescribed authority or the aforesaid officer to the State Government which may after calling for an explanation from the Gaon Sabha, Gaon Panchayat, joint committee or the officer or servant thereof and considering the explanation, if any, made by it, rescind, modify or confirm the order.

(3) Where the execution or further execution of a resolution or order is prohibited by an order mader unde sub-section (1) and continuing in force, it shall be the duty of the Gaon Sabha, Gaon Panchayat or the joint committee or any officer or servant thereof, if so required by the authority making such order to take any action which it would have been entitled to take, if the resolution or order have never been made or passed and which is necessary for preventing any person from doing or continuing to do anything under cover of the resolution or order, of which the further execution is prohibited.

96-A. Delegation of powers by State Government—The State Government may delegate all or any of its powers under this Act to any officer or authority subordinate to it subjcct to such conditions and restrictions as it may deem fit to impose.

Legislative changes.—This section was added by Act X of 1950.

CHAPTER VIII

enalties and Procedure.

97. Penalty for infringement of the provisions of the Act.—Whoever contravenes any provision of this Act, shall be punishable, unless otherwise prescribed, with fine, which may extend to ten rupees, and when the breach is a continuing one with a further fine which may extend to one rupee for every day after the first conviction during which an offender is proved to have persisted in the offence.

98. Infringement of rules and by-laws—In making a rule the State Government, and in making a by-law the Gaon Panchayat [with the sanction of the prescribed authority may] direct, that a breach of it shall be punishable with fine which may extend to ten rupees, and when the breach is continuing one with a further fine which may extend to one rupee for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Leg. changes.—In section 98 the words in brackets have been substituted by U. P. (Amendment) Act No. II of 1955.

99. Penalty for tempering with the Gaon Panchayat's property.—(1) Whoever removes, displaces or makes an alteration in or otherwise interference with any pavement, gutter or other material of a public street, or any fence, wall or post thereof, or a lamp post or bracket, direction post, standpost, hydrant, or other such property of the Gaon Sabha without the written sanction of the Gaon Panchayat or other lawful authority shall be punishable with fine which may extend to ten rupees.

(2) If through any act, neglect, or default on his part, a person has incurred a penalty imposed by sub-section (1) and has caused any damage to the property of a Gaon Sabha, the person incurring such penalty shall be liable to make good such damage as well as to pay such penalty, and the damages may be recovered from the offender in the prescribed manner.

100. Disobedience to notice issued.—If a notice has been given to a person under the provisions of this Act or of any rule or by-law made thereunder to a person requiring him to execute a work in respect of any property, movable or immovable, public or private, or to provide or do or refrain from doing anything within a time specified in the notice, and such person fails to comply with the notice, then—

(*a*) the Gaon Panchayat may cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person in the prescribed manner as arrears of land revenue ;

(*b*) such person shall also be liable on conviction before the Nyaya Panchayat to a fine which may extend to ten rupees and in case of continuing breach, of a further fine which may extend to one rupee for each day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Leg. changes.—(1) In clause (a) of section 100 occurring between the words "manner" and the semi-colon" the words "as arrears of land revenue" have been substituted. (2) In clause (b) for the words "a Magistrate" the words "the Nyaya Panchayat" have been substituted by U. P. (Amendment) Act No. II of 1955.

101 Notice not to be invalid.—No notice shall be invalid on account of any defect or omission in its form.

102. Appeals.—(1) Any person aggrieved by an order or direction made by a Gaon Panchayat under the Act or under any rule or by-law may, unless otherwise prescribed, within 30 days from the date of such direction or order, exclusive of the time requisite for obtaining a copy thereof appeal to the prescribed authority which may vary, set aside or confirm the said order or direction and may also award costs to or against the person filing the appeal.

(2) The prescribed authority may, if it thinks fit, extend the period allowed by sub-section (1) for appeal.

(3) The decision of the prescribed authority under sub-section (1) shall be final and shall not be questioned in any court of law.

103. Suspension of prosecution in certain cases.—When an appeal has been filed against an order or direction in section 102 any proceeding to enforce such order or direction and any prosecution for the breach thereof may, by order of the prescribed authority, be suspended pending the decision of the appeal, and if such order or direction is set aside on appeal, disobedience thereof shall not be deemed to be an offence.

104. Power to compound offences.—(1) Subject to any rule made in this behalf a Gaon Panchayat may, either before or after the institution of any case, compound an offence against this Act or any rule or by-law made thereunder on payment of such sum in cash to the Gaon Panchayat as may be prescribed.

(2) When an offence has been compounded the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

All sums paid by way of composition under this section shall be credited to the [Gaon Fund.]

Leg. changes.—In sub-section (2) of section 104 for the words "Panchayat Fund" the words "Gaon Fund" have been substituted by U. P. (Amendment.) Act No. II of 1955.

Comments.

Any Rule.—Rule 249 of the Panchayat Raj Rules deal with the procedure for compounding an offence committed under this Act or by-law made thereunder.

105. Entry and inspection.—The [Pradhan] of the Gaon Panchayat and, if authorized in this behalf by the Gaon Panchayat, any other member, officer or servant of the Gaon Panchayat may enter into or upon any building or land, with or without assistants or workmen, in order to make an inspection or survey or to execute a work which a Gaon Panchayat is authorized by this Act or by rules or by-laws made thereunder, to make or execute, or which it is necessary for a Gaon Panchayat for any of the purposes or in pursuance of any of the provisions of this Act or of rules or by-laws, to make or execute :

Provided that—

(*a*) except when it is in this Act or rules or by-laws otherwise expressly provided, no such entry shall be made between sunset and sunrise, and

(*b*) except when it is in this Act or in rules or by-laws otherwise expressly provided, no building which is used as a human dwelling shall be so entered except with the consent of the occupier thereof and without giving the said occupier not less than four hours' previous written notice of the intention to make such entry, and

(*c*) sufficient notice shall in every instance be given even when any premises can otherwise be entered without notice to enable the inmates of an apartment appropriated for females to remove to some part of the premises where their privacy shall not be disturbed, and (*d*) due regard shall always be had to the social and religious usages of the occupants of the premises entered.

Leg. changes.—In section 105 for the word "Sarpanch" the word "Pradhan" has been substituted by U. P. (Amendment) Act No. II of 1955.

[**106. Suits against Gaon Sabhas, Gaon Panchayats, the officers, or the officers and servants of Nyaya Panchayats.**—(1) No suit or other legal proceeding shall be instituted against a Gaon Sabha or Gaon Panchayat or against a member thereof or against an officer or servant of a Gaon Sabha, Gaon Panchayat or Nyaya Panchayat or against any person acting under the direction of any of these bodies or persons for any thing done or purporting to have been done in official capacity under this Act, until the expiration of 2 months next after notice in writing has been, in the case of a Gaon Sabha or Gaon Panchayat delivered in or left at the office of the Gaon Panchayat concerned and in the case of a member, officer or servant or any person acting under his direction or the direction of the Gaon Sabha, Gaon Panchayat or Nyaya Panchayat delivered to him or left at his office or place of abode, explicitly stating the cause of action, the nature of the reliefs sought the amount of compensation, if any, claimed, and the name and place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left].

(2) No action such as is described in sub-section (1) shall be commenced otherwise than within six months next after the accrual of the cause of action.

Leg. changes.—The existing sub-section (1) of section 106 has been substituted by U. P. (Amendment) Act No. II of 1955.

107. Protection to Gaon Panchayat and Nyaya Panchayats.—(1) The provisions of the Judicial Officer's Protection Act, 1850, shall apply to the members of Nyaya Panchayat.

(2) No civil case or prosecution shall be entertained in any court against a Gaon Panchayat or any member or officer thereof or any person acting under its or his direction in respect of anything in good faith done or intended to be done under this Act or any rule or by-laws made thereunder.

[**107-A. Validity of Proceedings.**—Except as otherwise provided under this Act, a Gaon Sabha, Gaon Panchayat or any committee thereof, shall have power to act, notwithstanding any vacancy in the membership or defect or irregularity in the enrolment of a member thereof, and any proceedings in any Gaon Sabha, Panchayat or committee shall be valid notwithstanding that there was any defect or irregularity in the enrolment of any member or that some person, who was not entitled so to do, sat or voted or otherwise took part in the proceedings, provided, however, that at least two-thirds of the persons present at the time of the act being done were not disqualified to be members.]

Leg. changes.—Section 107-A has been newly added by U. P. (Amendment) Act No. II of 1955.

108. Powers and duties of Police in respect of offences and assistance to Panchayats.—Every police officer shall give immediate information to the Gaon Panchayat of an offence coming to his knowledge which has been committed against this Act or any rule or by-law made thereunder and shall assist all members and servants of the Gaon Panchayat and Nyaya Panchayat in the exercise of their lawful authority.

109. If any dispute arises [as to the jurisdiction of a Nyaya Panchayat or] between two or more Gaon Panchayats or between a Gaon Panchayat and the town area or a municipal board or a district board it shall be referred to the prescribed authority whose decision shall be final and shall not be questioned in any court of law.

Leg. changes,—In section 109 the words in brackets have been added by U. P. (Amendment) Act No. II of 1955.

[**109-A. Made of proof of Gaon Sabha record.**—A copy of any entry in a register in the possession of a Gaon Sabha or of any document made or executed by an officer thereof shall, if duly certified by the Pradhan of the Gaon Sabha or other person, authorized by the Pradhan in writing in this behalf, be received as *prima facie* evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case, where and to the same extent as the original entry or document would, if produced, have been admissible to prove such matters.]

Leg. changes.—Section 109-A has been newly added by U. P. (Amendment) Act No. II of 1955.

CHAPTER IX

Rules, By-laws and Repeals

110. Power of State Government to make rules.—(1) The State Government may, subject to the condition of previous publication by notification in the official *Gazette*, make rules consistent with this Act to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

(*i*) any matter for which power to make provision is conferred expressly or by implication on the State Government by this Act ;

(*ii*) the establishment of Gaon Sabha, Gaon Panchayat and Nyaya Panchayat ,

(*ii-a*)qualifications for the UP-Pradhan ;

(*ii-b*) distribution of assets and liabilities of Gaon Panchayats and Nyaya Panchayats consequent upon a change in their circles ;

(*ii-c*) presentation and disposal of election petitions ;

(*ii-d*) taking of oath by Pradhan, Up-Pradhan, members of Gaon Panchayats, Panch, Sahayak Sarpanch and Sarpanch ;

(*ii-e*) filing of resignation by Pradhan, Up-Pradhan, members of Gaon Panchayat, Panch, Sahayak Sarpanch and Sarpanch ;

(*ii-f*) holding of general elections and bye-elections ;

(*ii-g*) nomination of persons as members of Gaon Panchayat ;

(*ii-h*) grant of leave for absence to office ,bearers of Gaon Panchayat and Nyaya Panchayat ; and

(*ii-i*) the carrying out of the duties of the Pradhan and the Up-Pradhan in their absence for any cause ;]

(*iii*) the time and place of the meetings of Gaon Sabha, Gaon Panchayat and Nyaya Panchayat the manner of convening meetings and giving notice thereof ;

(*iv*) the conduct of proceedings including the asking of questions by members at meetings and the adjournment of meetings and also minute books of meetings ;

(*v*) the establishment of committees and the determination of all matters relating to the constitution and procedure of such committees ;

(*vi*) the suspension and removal of office-bearers ;

(*vii*) the records and registers that shall be maintained by [Gaon Panchayts] and Nyaya Panchayats and the form in which they are to be ;

[(*vii-a*) periodical revision and amendment of Gaon Sabha, Gaon Panchayat registers] ;

(*viii*) the action to be taken on the occurrence of a vacancy in the executive committee, joint committee, any other committee and Nyaya Panchayat ;

(*ix*) the authority by which disputes in relation to appointments to executive committee, joint committee any other committee or Nyaya Panchayat may be decided and the procedure to be followed therein ;

(*x*) the amount and nature of security to be furnished by a servant of the Gaon Panchayat [or Nyaya Panchayat] from whom it is deemed expedient to require security ;

[(*xi*) appointment, qualifications, supervision, dismissal, discharge, removal or other punishment and other matters relating to the conditions of service, leave, transfer, pay and privileges of the servants of the Gaon Panchayat and the Nyaya Panchayat and their rights of appeal].

(*xii*) management and regulation of provident fund for the servants of Gaon Panchayats [and Nyaya Panchayat] if the system of provident fund is adopted by any Gaon Panchayat ;

(*xiii*) the establishment, maintenance and management of primary schools and the construction and repair of buildings thereof ;

(*xiv*) the establishment, administration and control of libraries, reading rooms, dispensaries entrusted to a joint committee, the construction and repairs of buildings connected therewith and the supply of medicine and medical assistance to the poor inhabitants of the local area of a Gaon Sabha ;

(*xv*) the discovery, removal and destruction of water hyacinth, [grass, weed or other wild growths] on any land, premises or water, the construction of fences and barriers for checking its movements and the cost incurred in carrying out such work ;

(*xvi*) action in regard to the sanitation, conservancy, drainage, buildings, public streets and water supply and the prohibition of public nuisance ;

[(*xvi-a*) the carrying out of functions and duties of Gaon Panchayat as mentioned in sections 15, 16 and 17] ;

(*xvii*) the framing of [annual estimate of income and enpenditure] and ear-marking [of] fund for specific purposes ;

(*xviii*) the returns to be submitted by Gaon Panchayats and Naya Panchayats the form in which they are to be, the authorities to which and the time when they shall be submitted ;

(*xix*) the levy of taxes and licence fees, the authority, by which and the manner in which the taxes may be assessed and the authority to which an appeal from an assessment order may be made ;

[(*xix-a*) collection of State and other dues by Gaon Panchayats and remuneration to be paid therefor] ;

(*xx*) the method and time of payment of taxes and other dues the procedure of recovery and the authority whose assistance may be taken by Gaon Panchayats in the recovery of taxes and dues ;

(*xxi*) the method of account keeping by Gaon Panchayats [and Nyaya Panchayats] ;

(*xxii*) the maintenance of public building and nazul land ;

(*xxiii*) the formalities to be observed when transferring any property and the manner in which a deed of contract may be executed by a Gaon Panchayat ;

(*xxiv*) powers of auditors, inspecting and superintending authorities to hold enquiries, summoning und examining witnesses, compelling the production of documents and all other matters conected with audit inspection and superintendence ;

(*xxv*) the issue, service or execution of summons, notices and other processes of Nyaya Panchayat and issue and service of notices by Gaon Panchayats ;

[(*xxv-a*) issue of commissions for examination of witnesses ;

[(*xxv-b*) institution of cases where a Sarpanch refuses to entertain] ;

(*xxvi*) the transfer by a Nyaya Panchayat of summons and other processes to another Nyaya Panchayat or any court for service or execution ;

(*xxvii*) the fees to be levied by Nyaya Panchayat for institution of suits and cases, for issue of processes, for obtaining copies of documents and other matters ;

(*xxviii*) the court-fees and other fees payable where a Nyaya Panchayat with the consent of parties entertains a civil case which is otherwise beyond its jurisdiction ;

(*xxix*) the procedure for execution of decrees, orders and sentence passed by Nyaya Panchayat ;

(*xxx*) the allotment by Gaon Panchayats of funds for the performance by Nyaya Panchayat of their duties under this Act and the extent to which fees paid to Nyaya Panchayats may be appropriated by Gaon Panchayat ;

(*xxxi*) the powers that may be exercised by district board or any prescribed authority in the discharge of their obligations under this Act and the manner in which such powers may be exercised ;

(*xxxii*) the procedure to be observed in the making of by-laws by prescribed authority for Gaon Panchayats or by Gaon Panchayats ;

[(*xxxiii*) the prescribing and printing of forms and registers generally relating to any matter under this Act or rules made thereunder ;]

(*xxxiv*) the submission for approval of plans, designs, specifications and estimates ;

(*xxxv*) the duties, powers and functions of village volunteer force ;

(*xxxvi*) the submission of annual reports by Gaon Panchayats [Nyaya Panchayats] and their review ;

(*xxxvii*) persons, other than members of Gaon Panchayats and Nyaya Panchayats who may be present in an advisory capacity in meetings of Gaon Panchayats ;

(xxxviii) channel of correspondence between a Gaon Panchayat and other authorities ;

(xxxix) disposal of assets and liabilities of a [Gaon Sabhas or Nyaya Panchayats] on its abolition ;

(xl) the action to be taken on the inclusion of the whole or part of the local area of any Gaon Panchayat in any municipality, notified area, town area or cantonment, and the manner in which the assets and liabilities of the Gaon Panchayat may be disputed of in such circumstances ;

(xli) the conditions subject to which sums due to a Gaon Panchayat may be written off as irrecoverable, and the conditions subject to which the whole or any part of a fee may be remitted and generally for the guidance of Gaon Panchayats, Nyaya Panchayats, joint committees, other committees, servants of the Govt. and other authorities in any matter connected with the carrying out of the provisions of this Act ;

(xlii) the regulation of the election of the members of the Gaon Panchayat in order to secure the adequate representation of the Scheduled Castes ;

[*(xliii)* assistance to be given by the Gaon Panchayat to Government servants on any matter affecting the general administration ;

(xliv) powers and duties Sahayak Sarpanch and Up-Pradhan ;

(xlv) borrowing and lending of money by Gaon Panchayats ;

(xlvi) the matters which are to be and may be prescribed ; and

(xlvii) any matter in respect of which power is conferred in section 111 on the prescribed authority to frame a by-law for a Gaon Panchayat.]

(3) All rules made under this Act shall be laid for not less than fourteen days before the State Lagislature as soon as they are made, and shall be subject to such modifications as the Legislature may make during the session in wich they are so laid.]

Leg. changes.—In section 110 the following changes have been made by U. P. (Amendment) Act No. II of 1955.

(1) In sub-section (2) clause (ii-*a*) to (ii-*i*), (vii-*a*), (xvi-*a*), (xix-*a*), (xxv-*a*), (xxv-*b*), and (xliii) to (xlvii) have been newly added. (2) In clause (vii) for the words "Gaon Sabhas" the words "Gaon Panchayats" have been substituted. (3) In clause (x) the words "or Nyaya Panchayats" have been inserted. (4) Clause (xi) and (xxxiii) have been substituted. (5) In clause (xii) the words" "and Nyaya Panchayat" and in the clause (xv) the words "grass, weed or other wild growth" have been inserted. (6) In clause xvii between the words "ear-marking" and "fund" the word "of" has been inserted. *(7)* In clause (xxi) the words "and Nyaya Panchayat" have been inserted. (8) In clause (xxxvi) the words "Nyaya Panchayat" and in clause (xxxvii) the words "and Nyaya Panchayat" have been inserted. (9) In clause (xxxix) the words "Gaon Sabhas or Nyaya Panchayats" have been substituted. The sub-section (3) has been newly added.

Comments.

Notification in contravention of a specific provision of this Act.—The Government is not entitled to issue any notification under the rules which contravene a specific provision made under this Act and in *Badri* v. *State* it was held that section 110 does not authorise the Government to postpone the commencement of any part of the Act from a future date in contravention of section 1 (3) which provides that the Act shall come into force at once. The validity of the notification postponing the functioning of the Panchayati Adalat till the election of the Sarpanch was held to be very doubtful.[1]

111. Powers of district boards to frame by-laws.—The prescribed authority may, and when required by the State Government, shall make by-laws for a Gaon Panchayat within its jurisdictions consistent with the Act and the rules made thereunder for the purpose of promoting or maintaining the health, safety and convenience of persons residing within the jurisdiction of a Gaon Panchayat and for furtherance of administration of Gaon Panchayats under this Act.

112. Power of Gaon Panchayats to frame by-laws.—(1) Subject to the provisions of this Act and the rules made thereunder and the by-laws, if any, made by the prescribed authority, a Gaon Panchayat may frame by-laws—

(*a*) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health and to prohibit the doing of anything likely to cantaminate any source of drinking water ;

(*b*) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place ;

(*c*) to prevent damage to public streets and Gaon Panchayat property ;

(*d*) to regulate sanction, conservancy and drainage in the area of Gaon Panchayats ;

(*e*) to prohibit or regulate the use of public streets or other public places by shop-keepers or other individuals or collection of market tolls on public streets ;

(*f*) to regulate the manner in which tanks, ponds and cesspools, pasture land, playground, manure pits, land for disposal of dead bodies and bathing places shall be maintained and used.

[(*g*) to regulate any other duties or functions of the Gaon Sabha as may be directed by the prescribed authority ; and]

[(2) The draft of by-laws framed by Gaon Panchayats shall be published in the prescribed manner. Any objections received thereto shall be considered at a meeting of the Gaon Panchayat and the by-laws shall then be submitted together with the objections, if any, received and the decisions taken thereon to the prescribed authority. The by-laws as sanctioned by the prescribed authority shall come into force after they have been published in the prescribed manner :

Provided that the State Government may at any time rescind or modify any bye-laws so approved.

Leg. changes.—In sub-section (1) of section 112 the clause (g) and in sub-section(2) the proviso have been newly added.

113. Repeal and transitory provisions.—(1) On and from the date on which a Gaon Sabha is established in any area under this Act—

(*a*) the United Provinces Village Panchayat Act, 1920, shall be deemed to be repealed in respect of such area and the Panchayat, if any, established thereunder in such area shall be abolished, its fund and other properties shall vest in, and its liabilities shall be transferred to such Gaon Sabha, and criminal and civil case if any, pending on such date before that Panchayat shall be transferred to a

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[1] Badri v. State, A.I.R. 1952 Alld. 211.

Nyaya Panchayat if any, established in that area, on such date before that Panchayat shall be transferred to criminal or civil court, as the case may be, of lower grade having jurisdiction therein ;

(*b*) the United Provinces Village Courts Act, 1892, shall be deemed to be repealed in respect of such area and all courts established thereunder shall be abolished and all civil cases and other proceedings pending on such date in any village court in such local area shall be transferred to a Nyaya Panchayat if any, established in that local area, or where no such Nyaya Panchayat exists to the civil court of lowest grade having jurisdiction therein, and

(*c*) the United Provinces Village Sanitation Act, 1892, shall be deemed to be repealed in respect of such area :

Provided that wherein the area of any Panchayat established under the United Provinces Village Panchayat Act, 1920, more than one Gaon Sabha have been established, the fund, properties and liabilities of such Panchayat shall be distributed among such Gaon Sabha in accordance with the prescribed rules.

[**114. Casual vacancies to be left unfilled in certain cases.**—Where a vacancy occurs on any body constituted under this Act by reason of the death, resignation, removal or avoidance of the election of a member or other office bearer and the term of office of that member or other office bearer would in the ordinary course of events have determined within six months of the occurrence of the vacancy, the prescribed authority may direct that the vacancy be left unfilled until the next general election under this Act.]

SCHEDULE

(*See* section 68)

Description of suits	Period of limitation	Time from which period begins to run.
1. For money due on a contract.	3 years	When the money became due to the plaintiff.
2. For the recovery of movable property or the value thereof.	Do. ...	When the plaintiff became entitled to the delivery of the movable property.
3. For compensation for wrongfully taking or injuring a movable property.	Do. ...	When the movable property was wrongfully taken or When injury was done to it.
4. For damages caused by cattle trespass.	6 months	When the damage was caused by the cattle trespass.

APPENDIX

UTTAR PRADESH PANCHAYAT RAJ (AMENDMENT) ACT, 1955.

(U. P. ACT No. II OF 1955)

(As Passed by the U. P. Legislature and assented to by the President on February 3, 1955 and published in the U. P. Gazette, Extraordinary, dated February 4, 1955,)

An Act further to amend the United Provinces Panchayat Raj Act, 1947, for certain purposes.

WHEREAS it is expedient further to amend the United Provinces Panchayat Raj Act, 1947, for the purposes hereinafter appearing ;

It is hereby enacted as follows :

1. Short title and cnmmencement.—*(1)* This Act may be called the Uttar Pradesh Panchayat Raj *(*Amendment*)* Act, 1954.

(2) This section shall come into force at once and the remaining sections shall come into force from such date as the State Government may by notification in the official *Gazette* appoint in this behalf and different dates may be appointed for different sections.

NOTES.

Sections 2 to 87 of the Panchayat Raj Amendment Act II of 1955 have been incorporated in the Principal Act at their appropriate places and section 88 of the Amendment Act II of 1955 is reproduced below:—

88. Power to remove difficulties.—(1) The state Government may for the purpose of removing any difficulty particularly in relation to the transition from the provisions of the Principal Act to the provisions of that Act as amended by this Act, by order published in the official *Gazette*—

(a) direct that the Principal Act amended as aforesaid shall during the period of two years next after the commencement of this Act shall have effect subject to such adaptation whether by way of modification, addition or omission as it may deem to be necessary and expedient ;

(b) extend, for a period not exceeding two years, or curtail the term, generally or of any paricular Gaon Panchayat, or the members, Pradhan or Up-Pradhan therof or of any Nyaya Panchayat or the Panches, Sahayak Sarpanch or Sarpanch thereof, any provision to the contrary in the Principal Act notwithstanding ; and

(c) make such other temporary provisions for the purpose of removing any such difficulty as aforesaid as may be so specified.

(2) An order made under sub-section *(1)* shall have effect for a period of two years from the date of commencement of this Act.

General Amendments.

The following general changes in the Principal Act [Panchayat Raj Act] have been made by section 4 of the U P. Panchayat Raj (Amendment) Act No. II of 1955 :—

4. In the Principal Act—

(a) *for* the words "Panchayati Adalat" wherever it occurs the words "Nyaya Panchayat";

(b) unless there is anything repugnant to the subject or context—

(i) *for* the word "case" wherever it occurs the words "criminal case"; and

(ii) *for* the word "suit" wherever it occurs, the words "civil case";

(c) *for* the word "proceeding" wherever it occurs except at the end of sub-section (1) of section 77-A, in clause *(c)* of section 95 and sections 103 and 106 the words "revenue case";

(d) *for* the word budget" wherever it occurs, the words annual estimate of income and expenditure,";

(e) *for* the word "President" the word "Pradhan"; and

(f) *for* the word "Vice-President" the word "Up-Pradhan."
shall be *substituted:*

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U. P. PANCHAYAT RAJ RULES

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RULES

MADE UNDER

U. P. Panchayat Raj Act, 1947

No. 5426/XXXIII—296-56—In exercise of the powers conferred by section 110 of the U. P. Panchayat Raj Act, 1947 (U. P. Act XXVI of 1947), as amended from time to time and in continuation of Government notifications noted below* the Governor is pleased to amend the U. P. Panchayat Raj Rules.

Notes—The Complete and full rules as amended now up-to-date are given below—

CHAPTER I

Preamble—In exercise of the powers conferred by section 110 of the U. P. Panchayat Raj Act, 1947, the State Government is pleased to make the following rules:

1. *Short title and commencement*—These rules shall be called " Panchayat Raj Rules ".

2. *Definitions*—In these rules, unless there is anything repugnant in the subject or context,—

(a) "Act" means the Uttar Pradesh Panchayat Raj Act, 1947;

(aa) "Annual value" means the gross annual rent for which any house (exclusive of furniture and machinery therein, if any) or land is actually let or where the house or land is not let, the gross annual rent for which it may reasonably be expected to be let;

(b) "Banker" includes Post Office Savings Bank, a Co-operative Bank and any local banker;

(c) "Collector" and "District Magistrate" for the purposes of these rules include any officer nominated by the Collector or the District Magistrate, as the case may be, to perform any functions under these rules on his behalf;

(d) "Government" means Government of Uttar Pradesh;

(dd) "House" includes an enclosure used for keeping carts or cattle, hut, shop, warehouse or other roofed structure for whatsoever purpose and of whatsoever material constructed but does not include a tent or other such movable temporary shelter.

Leg. Changes—*Substituted for* the existing rules of Chapters I, II and III to XII of the U. P. Panchayat Raj Rules, 1947.

*1. Notification no. 2971/XXXIII—368(4)-54, dated June 29, 1955.
2. Notification no. 3542/XXXIII—368(6)-54, dated July 27, 1955.
3. Notification no. 2971/XXXIII—368(4)-54, dated September 3, 1955.
4. Notification no. 1068/XXXIII—368(4)-54, dated January 10, 1956.
5. Notification no. 1085/XXXIII—368(4)-54, dated January 10, 1956.
6. Notification no. U.O.227/XXXIII—368(4)-54, dated January 10, 1956.
7. Notification no. 4991/XXXIII—188-52, dated February 24, 1956.

(e) "Local Authority" and "Local Body" include District Board, Municipal Board, Municipal Corporation, Notified Area Committee and Town Area Committee;

(ee) "Form" means to a Form appended at the end of these rules;

(f) *Delete*;

(g) "Population" unless otherwise directed by the State Government for special reasons in any particular case, means population as determined at the latest census under the provisions of the Indian Census Act, 1950.

(h) *Delete*;

(i) *Delete*;

(j) *Delete*;

CHAPTER I-A

Sabhas, Nyaya Panchayats, Gaon Panchayats and Constituencies.

Legislative changes.—Rules 3 to 15 have benn substituted by Notification No 1832/XXXIII—368 (i)—54, dated April 25, 1955.

3. *Establishment of Sabhas*—(1) As soon as may be after the publication of the notification under section 3 of the Act, a list of *Sabhas* constituted and established thereunder in each Tahsil shall be published at the Tahsil Head-quarters and at the office of the District Panchayat Officer.

(2) A copy of the notification establishing a *Sabha* shall also be published at the Office of the Panchayat Secretary.

3-A. *Changes in the jurisdiction of Sabhas*—(1) A *Sabha* may, after a resolution to that effect has been passed, make suggestions for changes in the jurisdiction of the *Sabha*. A copy of the resolution shall be sent to the District Panchayat Officer who shall forward it to the Director of Panchayats for necessary action.

(2) Any fifty or more residents of a village may at any time make suggestion for changes in the jurisdiction of the *Sabha* and send a representation to that effect to the District Panchayat Officer who shall forward it to the Director of Panchayats.

(3) The provisions of rule 3 shall *mutatis mutandis* apply to the publication of the notification issued under section 3 or 8 of the Act regarding changes in the jurisdiction of a *Sabha*.

*3-AA. Where in the area of a Gaon Sabha established under the U. P. Panchayat Raj Act, 1947 more than one Gaon Sabha are established or a part of the area of a Gaon Sabha established under that Act is transferred to another Gaon Sabha the funds, properties and liabilities of the old Gaon Sabha shall be divided among the newly established Gaon Sabhas or between the Gaon Sabha from which area has been transferred and the Gaon Sabha to which that area has been transferred, by the prescribed authority in the following manner :

(1) The funds available with the old Gaon Sabha shall be divided among the newly established Gaon Sabha or between the Gaon Sabha from which area has been transferred and the Gaon Sabha to which that area has been transferred, on the basis of population.

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*3AA added by Notification No. 2676/XXXIII—680—55, dated May 26, 1956.

(2) The immovable property shall belong to the Gaon Sabha in which the area on which it exists falls and its value shall not be taken into account in dividing cash money.

(3) The book value of movable property such as Durries, Radios and Furniture etc. shall be taken into consideration at the time of division of funds, property and liabilities and it shall be added to the cash balance and divided accordingly on the basis of the population.

(4) The prescribed authority shall prepare in accordance with clauses (1), (2) and (3) above, a list of distribution of the available funds and properties and shall cause the list to be published within the area of the Gaon Sabhas concerned by affixation at their notice boards and in such other manner as it thinks fit.

(5) The Pradhan or any member of the Gaon Sabha concerned may file objections against the distribution list to the prescribed authority within three months from the date of publication of the list under clause (4) and the prescribed authority shall decide the objections after giving an opportunity to the Pradhans of the Gaon Sabhas concerned to be heard.

(6) An appeal may be filed by the Pradhan of any of the Gaon Sabhas concerned against the decision of the prescribed authority to the District Magistate within fifteen days of the date on which the order of the prescribed authority is communicated to the Pradhans of the Gaon Sabhas concerned, and the order of the District Magistrate made in this respect after giving an opportunity to the Pradhans of their Gaon Sabhas to be heard, shall be final.

3-B. *Establishment of Nyaya Panchayats*—(1) The District Magistrate shall, subject to such directions as may be issued by the Director of Panchayats, determine—

(*a*) the number of circles into which a district shall be divided for purposes of establishing *Nyaya Panchayats*, and

(*b*) the area to be included in each circle.

(2) The District Magistrate shall thereafter prepare a list of circles for *Nyaya Panchayats* in the form to be specified by the Director of Panchayats.

(3) The list prepared under sub-rule (2) shall be published at the Tahsil Headquarters, at the office of the District Panchayat Officer and at the office of the Panchayat Secretary.

3-C. *Alteration in the circles for Nyaya Panchayats*—The District Magistrate may, subject to such directions as my be issued by the Director of Panchayats, re-determine the circles for Nyaya Panchayats and amend the list prepared under rule 3-B accordingly.

The amended list shall be published in the same manner as the list prepared under rule 3-B.

3-D. *Number of members of Gaon of Panchayats*—(1) The number of members to be alloted to each *Gaon Pnnchayat*, in addition to the Pradhan, shall be in accordance with the following scale—

Population	No. of members
(*a*) Where the population of a *Gaon Sabha* does not exceed one thousand	Fifteen.
(*b*) Where the population of a *Gaon Sabha* exceeds one thousand but does not exceed two thousand	Twenty.

Population	No. of members
(*c*) Where the population of a *Gaon Sabha* exceeds two thousand but does not exceed three thousand	Twenty-five.
(*d*) Where the population exceeds three thousand	Thirty.

(2) The District Magistrate shall prepare a list showing the number of members determined under sub-rule (1) for each *Gaon Panchayat*.

(3) The list prepared under sub-rule (2) shall be published at the Tahsil Head Quarters, at the office of the District Panchayat Officer and at the office of the Panchayat Secretary.

3-E. *Number of persons to be elected for Nyaya Panchayats*—(1) The number of persons to be elected by a *Sabha* for constitution of the *Nyaya Panchayat* shall be such as may be determined by the District Magistrate in the manner hereinafter stated.

(2) The total number of members of a *Nyaya Panchayat* shall first be determined which shall be equal to twice the total number of *Sabhas* within the jurisdiction of the *Nyaya Panchayat* provided that the number so determined shall be divisible by five and where it is not so divisible, it shall be increased to the next higher multiple of five.

(3) The total number of members of the *Nyaya Panchayat* so determined shall then be distributed amongst the various *Sabhas*. Each *Sabha* shall initially be allotted two seats. The remaining seats, if any, shall be distributed amongst the various *Sabhas* in accordance with their population in the descending order :

Provided that not more than one seat shall be so alloted to any one *Sabha*.

(4) The District Magistrate shall prepare a list showing the number of members fixed for each *Nyaya Panchayat* and number of members to be elected by each *Sabha*.

(5) The list prepared under sub-rule (4) shall be published in the manner stated in sub-rule (3) of rule 3-D.

3-F. *Contituencies of a Sabha*—(1) The District Magistrate shall, in accordance with such directions as may be issued by the Director of Panchayats, determine—

(*a*) the number of constituencies into which the area of each *Sabha* shall be devided :

(*b*) the area to be included in each constituency ;

(*c*) the total number of seats allotted to each constituency ; and

(*d*) the number of seats, if any, reserved for Schedule Castes :

Provided that as far as possible no constituency shall comprise areas falling within the limits of two or more villages :

Provided further that the number of members to be allotted to each constituency shall, as far as practicable, be in the same proportion to the total number of persons to be elected for the *Gaon Panchayat* as the population of that constituency bears to the total population of the *Sabha*.

(2) The list of constituencies so determined shall be prepared in the form to be specified by the Director of Panchayats.

(3) The list of constituencies shall be published in the manner stated in sub-rule (3) of rule 3-D.

3-G. *Amendment and alteration in list of constituencies*—The District Magistrate may, subject to such directions as may be issued by the Director of Panchayats, redetermine the constituencies and amend the list prepared under rule 3-F accordingly.

The amended list shall be published in the same manner as the list of constituencies.

3-H. *Period of publication*—(1) Any list or document published under this chapter shall remain available for public inspection free of charge for a period of five days from the date of such publication.

(2) The fact that the list or document has been so published may be announced by beat of drum in the area concerned.

3-I. *Copies and extracts*—(1) Every person shall be entitled to take, free of charge, during the period of publication specified in rule 3-H, a copy of or an extract from such list or document.

(2) A person shall have a right to inspect such list or document and to get attested copy of any entry or extract therefrom in such manner and on payment of such fees, if any, as may be specified by the Director of Panchayats.

CHAPTER I-B

Register of Members.

4. *Preparation of the Register*—As soon as may be after the establishment of a *Sabha*, the District Magistrate shall direct the Secretary of the *Sabha* to prepare, in accordance with the provisions of the Act, the rules contained in this Chapter and the Directions issued by the Director of Panchayats, a Register of Members of the *Sabha*.

4-A. *Form of the Register*—(1) The Register of Members shall be prepared in form A.

(2) Part I of the register (hereinafter called the family register) shall contain the names and particulars of all persons family-wise ordinarily residing in each village included in the *Sabha* and Part II (hereinafter called the adult register) shall contain the names and particulars only of those adults who are entitled to be members of the *Sabha* under section 5 of the Act.

(3) In the family register ordinarily one page shall be allotted to one family.

(4) In each register there shall be separate section respectively for families and adults belonging to the Scheduled Castes.

4-B. *Language*—Each register shall be prepared in Hindi in Deva Nagri script.

4-C. *Division of the adult register Constituency-wise*—The Director of Panchayats may, for the purpose of facilitating the preparation of the adult register direct its division into portions pertaining to each constituency.

4-D. *General conditions for registration in the register*—(1) Every person who has been ordinarily resident within the area of the *Sabha* shall be entitled to be registered in the family register.

(2). A person registered in the family register who was not less than 21 years of age on the date of establishment of the *Sabha* shall be entitled to be registered in the adult register.

4-E. *Disqualifications for registration in the adult register*—(1) A person shall be disqualified for registration in the adult register if he suffers from any of the disqualifications stated in clause (*a*) or (*b*) of sub-section (1) of section 5 of the Act on the date of establishment of the *Sabha.*

(2) The name of any person who becomes so disqualified after registration shall, in the manner specified by the Director of Panchayats, be struck off the register in which it is included.

4-F. *Publication of the Draft Register*—(1) The register of Members prepared under rule 4 shall be published at the office of the Panchayat Secretary and in such other manner as the Director of Panchayats may specify.

(2) The register so published shall remain available for public inspection for a period of five days from the date of such publication.

4-G. *Notice regarding publication*—The Secretary of the *Sabha* shall announce the fact of the publication of the Register of Members by beat of drum and shall fix a date not earlier than five days from the date of such announcement on which claim or objection, if any, shall be presented to him at the office of the [*Panchayat Secretary].

4-H. *Claims and objections*—(1) A claim or objection shall be addressed to the Panchayat Inspector and shall be made in the form, if any, as may be specified by the Director of Panchayats.

(2) It shall be presented in duplicate :

Provided that a person may file any number of claims or objections including those on behalf of others by one petition.

(3) The Secretary of the *Sabha* shall, immediately after a claim or objection has been filed, deliver one copy thereof signed by him in token of its receipt, to the person filing the same and shall mention thereon the serial number of the claim or objection and the date, place and time fixed for hearing of the claim or objection.

(4) The date fixed for hearing shall not be earlier than five days from the date of filling of claims or objection.

(5) Where the objection relates to the removal of any person's name from the Register of Members for any reason other than death, the Secretary of the *Sabha* shall inform such person also af the date, time and place fixed for hearing of the said objection.

4-I. *Publication of claims and objections*—The Secretary of the *Sabha* shall prepare a list of claims and a list of objections in such form as may be specified by the Director of Panchayats. The lists so prepared along with the claims and objections shall be published at the office of the Panchayat Secretary and shall be available for inspection for three days during such hours as may be specified by the Director of Panchayats. Thereafter they shall be forwarded to the Panchayat Inspector.

4-J. *Disposal of claims and objections*—(1) The Panchayat Inspector shall examine each claim and objection and if it raises any question of the nature referred to in section 6-A of the act, he shall refer the claim or objection to the Tahsildar, who shall, for the purposes of the said section, be the prescribed authority.

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*Substituted for the words "Nyaya Panchayat" by Notification No. 2526/XXXIII—368 [i]—54, dated June 1, 1955.

(2) The Panchayat Inspector shall inform the parties of the date, time and place fixed for hearing of the claim or objection before the Tahsildar.

(3) Where the claim or objection does not raise any question of the nature referred to in section 6-A, the Panchayat Inspector shall hold a a summary inquiry into the claim or objection and shall record his decision.

(4) The Tahsildar may, within 7 days of the order passed by the Panchayat Inspector under sub-rule (3), of his own motion or on an application made to him in this behalf, call for the records of the proceedings relating to such claim or objection and may pass thereon such orders as he thinks fit.

(5) The decision of the Tahsildar under sub-rule (4) shall be final and a copy thereof shall be sent to the Panchayat Inspector and to the Secretary of the *Sabha.*

5. *Final publication of the Register*—(1) On receipt of a copy of the order under sub-rule (5) of rule 4-J the Secretary of the *Sabha* shall, if necessary, cause the Register of Members to be amended accordingly in the manner specified by the Director of [*Panchayat].

(2) The Register of Members as amended in sub-rule (1) shall be republished in the manner specified in rule 4-F. The Register so republished shall be final.

6. *Disposal of references*—(1) Where a claim or objection is referred to the Tahsilar under sub-rule (1) of rule 4-J, the Tahsildar shall on the date, time and place fixed therefor, hold a summary enquiry into the claim or objection referred to him and shall record his decision.

(2) Any person aggrieved by the order of the Tahsildar under sub-rule (1) may within 15 days of the date of such order prefer an appeal to the Sub-divisional Officer.

(3) The Sub-divisional Officer shall after notice to the parties and after hearing such of them as desire to be heard dispose of the appeal.

(4) A copy of the order passed by the Tahsildar under sub-rule (1) as modified in appeal, if any, under sub-rule (3), shall be forwarded to the Secretary of the *Sabha* and to the Panchayat Inspector.

7. *Action on the orders passed under rule 6*—On the receipt of a copy of the order under sub-rule (4) [of rule 6][2] the Secretary of the *Sabha* shall, if necessary, strike off the name of the person concerned from the Register of Members and shall send an intimation thereof to the person concerned.

8. *Quarterly entries in the family Register*—At the beginning of each quarter commencing from April in each year the Secretary of the *Sabha* shall make necessary changes in the family register consequent on births and deaths, if any, occurring in the previous quarter in each family.

(2) Such changes shall be laid before the next meeting of the *Gaon Panchayat* for information.

9. (1) The Register of Members shall be revised every year in accordance with the directions issued by the Director of Panchayats.

(2) The provisions of rules 4 to 7 shall *mutatis mutandis* apply in relation to the annual revision as they apply in relation to the preparation of the Register of Members:

Provided that the first day of March of the year in which the Register is revised shall be deemed to be the date on which the members should posses the qualification for registration in the Register.

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* Substituted by Notification No. PRE 193/XVII—1—55, dated September 13, 1955.

10. *Special revision of the Register*—(1) Notwithstanding anything contained in the foregoing rules, the Director of Panchayats may, at any time, for reasons to be recorded in writing, direct the revision of Register of Members or a part thereof.

(2) The provisions of rules 4 to 7 shall *mutatis mutandis* apply in relation to the special revision under this rule as they apply in relation to the preparation of the Register :

Provided that the date on which the members should possess the qualifications for registration in the Register shall be such as may be specified by the Director of Panchayats.

10-A. The Panchayat Inspector may, subject to the direction issued by the Director of Panchayats order for the correction of any existing entry in the Register of Members and the Secretary of the *Sabha* shall then correct the Register according.

11. *Inclusion of names in the Register.*—(i) Any person whose name is not included in the Register of Members may, in the manner and the form specified by the Director of Panchayati, apply to the Panchayat Inspector for the inclusion of his name therein.

(2) The Panchayat Inspector shall, if satisfied, after such inquiry as he thinks fit, that the applicant is entitled to be registered in the Register, direct, in the manner [and subject to the conditions]* specified by the Director of Panchayats, that the name of the applicant be included therein and the Secretary of the *Sabha* shall include the name accordingly.

12. *Custody and preservation of the Register*—(1) The Secretary of the *Sabhas* shall be responsible for the safe custody of the Register of Members.

(2) Every person shall have a right to inspect the Register and to get attested copy of any entry or extract therefrom in such manner and on payment of such fees, if any, as may be specified by the Director of Panchayats.

CHAPTER I-C

Disqualifications

13. *Removal of disqualifications under section 5-A*—(1) An application for removal of the disqualification under clauses *(d)*, *(g)*, *(h)*, *(i)*, *(j)*, *(k)*, or *(l)* of section 5-A of the Act, shall be in such form as the Director of Panchayats may specify from time to time and shall show the grounds upon which the applicant claims the removal of the disqualification.

(2) The application shall be presented to the Sub-Divisional Officer of the Sub-Division concerned.

(3) The Sub-Divisional Officer may, after such enquiry as he deems fit, either accept the application and remove the disqualification or reject the application.

(4) A copy of the order passed removing the disqualification shall be sent to the Secretary of the Sabha and to the Panchayat Inspector.

14. *References under section 6-A pertaining to disqualifications*—(1) Where any question as is referred to in section 6-A of the Act is raised otherwise than in a claim or objection, it shall be referred to the Tahsildar by the Officer or Authority before whom such question arises for consideration.

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* Notification no. 546/XXXIII, dated January 23, 1956 Published in the U. P. Gazette, dated January 21, 1956, Part III.

(2) On the receipt of a reference under sub-rule (1) the Tahsildar shall fix the date, time and place for its hearing and shall give notice thereto to the parties concerned.

(3) The Tahsildar, shall, after hearing the parties and after such other enquiries as he deems fit, give his decision on the question referrrd to him.

(4) Any person aggrieved by the order of the Tahsildar may, within fifteen days of the date of such order, prefer an appeal to the Sub-Divisional Officer.

(5) The Sub-Divisional Officer shall after notice to the parties and after hearing such of them as desire to be heard, dispose of the appeal.

(6) A copy of the final order passed on the question referred to the Tahsildar as modified in appeal, if any, shall also be forwarded to the Secretary of the *Sabha* and to the Panchayat Inspector.

(7) On the receipt of a copy of the order under sub-rule (6) the Secretary of the *Sabha* shall, if necessary, strike off the name of the person concerned from the adult register and shall send intimation thereof to the person concerned.

15. *Disqualification on account of non-payment of tax, etc*—(1) A person shall be disqualified under clause (E) of section 5-A of the Act for being chosen, nominated or appointed to, and for holding any office in the Sabha or the Gaon Panchayat or the Nyaya Panchayat, if he is in arrears of any tax, fee or rate due by him to the Sabha on the 31st day of March, in the year immediately preceding the year in which an election is held :

Provided that in the case of General Elections held during the year 1955-56, the date aforesaid shall be 31st day of March, 1954."*

(2) The Secretary of the *Sabha* shall in the manner and form specified by the Director of Panchayats, prepare a list of all such persons, who according to the records of the *Sabha* are in arrears of any tax, fee or rate as aforesaid.

(3) The list shall be published at the office of the *Sabha* and an announcement to this effect will be made by beat of drum in the area of the *Sabha.*

(4) The name of the person who has paid, whether under protest or otherwise, all the arrears shown against his name in the list shall be struck off the list. A receipt issued by the Pradhan or Secretary in payment of any such amount shall be conclusive proof of the fact that the person is not in arrears of the tax, fee or rate, as the case may be.

CHAPTER I-D

Election of Members of Gaon Panchayats and Nyaya Panchayats.

Legislative changes.—Rules 16 to 28 have been substituted by Notification No. 2195/XXXIII—368 (i)—54, dated June 1, 1955.

16. *Definitions*—In this Chapter—

(*a*) "Constituency" means a constituency provided under rule 3-F ;

(*b*) "Director of Elections" means the officer appointed by the State Government to perform the functions of the Director of Elections under these Rules ;

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*Substituted by Notification No. 1137/XXXIII, dated February 7, 1956.

(*c*) "Election" means an election to fill a seat in a Gaon Panchayat including a Nyaya Panchayat;

(*d*) "Elector" meant a member of the Gaon Sabha entitled to vote under rule 19-B;

(*e*) "Election return" means an election return in a form specified by the Director of Elections;

(*f*) "Polling return" means a polling return in a form specified by the Director of Elections;

(*g*) "Returning Officer" includes an Assistant Returning Officer:

(*h*) "Seat" means a seat allotted to a constituency for elections to Gaon Panchayat and Nyaya Panchayat;

(i) "Specified" means specified by the Director of Elections.

16-A. *Superintendence, control and direction of conduct of elections*—(1) The conduct of elections under this Chapter shall be under the general superintendence, direction and control of the Director of Electious.

*(1-A) Without prejudice to the generality of the provisions of sub-rule (1) the Director of Elections may if he so considers expedient, by order, direct that such of powers, duties and functions of the Returning Officer under these Rules as may be specified by him in the Order shall be exercised or discharged by the Presiding Officer at the polling place, subject to such restrictions and conditions as may be specified in the Order.

(2) Subject to the superintendence, direction and control of the Director of Elections, the District Magistrate shall supervise the conduct of elections in the District.

16-B. *Returning Officer*—(1) For each Gaon Sabha, there shall be a Returning Officer who shall be such officer of Government as the District Magistrate may designate or nominate.

(2) The Returning Officer shall perform the functions required to be performed under this Chapter and it shall be his general duty at the election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the Act, the rules and the directions issued by the Director of Elections.

16-C. *Assistant Returning Officer*—(1) The District Magistrate may appoint one or more persons to assist any Returning Officer in the performance of his functions.

(2) Every Assistant Returning Officer shall be competent to perform all or any of the functions of the Returning Officer.

16-D. *Presiding Officer*—(1) The Returning Officer shall appoint a Presiding Officer for each polling place in the constituency and the same person may be appointed Presiding Officer for more than one polling place.

(2) The Presiding Officer shall perform the functions required to be performed by him under this Chapter and it shall be his general duty to keep order at the polling place and to see that the poll is fairly taken.

16-E. *Polling Officer*—(1) The Returning Officer shall appoint for each polling place such polling officer or officers as he thinks necessary to assist the Presiding Officer for the polling place in the performance of his functions and to do such other things as he is required to do under this Chapter.

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*Added by :Notification No. 1137/XXXIII—31—55, dated November, 2, 1955.

(2) If a polling officer is absent from the polling place, the Presiding Officer may appoint any person who is present at the polling place, other than a person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election, to be the polling officer during the absence of the former officer and in case of any such appointment he shall inform the Returning Officer accordingly.

(3) If the Presiding Officer is obliged to absent himself from the polling place his functions shall be performed by such polling officer as has been previously authorised by the Returning Officer for the purpose.

(4) For each polling place there shall be authorised by name by the Returning Officer a polling officer to perform the functions of the Presiding Officer in the latter's absence.

16-F. *Appointment of Election agent*—A person nominated as a candidate at an election may, before the delivery of his nomination paper, appoint in writing in the specified form any person to be his Election Agent.

16-G. *Polling Agents*—(1) A candidate who has been duly nominated and has not withdrawn his candidature, may appoint any person to act as polling agent of such candidate at each polling place.

(2) The appointment shall be made by a letter in writing in a specified form and shall be lodged with the Presiding Officer before the commencement of the poll.

17. *General Elections*—A general election in pursuance of section 12 read with section 12-A or under section 12-G shall be held in accordance with the provisions of this Chapter.

17-A. *Notification of election and fixing of dates*—(1) Whenever a general election is to be held the District Magistrate shall, under directions from the Director of Elections, call upon all the constituencies of a Gaon Sabha to elect members for the Gaon Panchayat and Nyaya Panchayat before such date as may be fixed by the Director of Elections.

(2) The District Magistrate shall, subject to such directions as may be issued by the Director of Elections, also appoint—

(*a*) the date, place and hours for making nominations ;

(*b*) the date, time and place for scrutiny of nominations ;

(*c*) the last date and hours for preliminary withdrawal of candidature ;

(*d*) the date or dates on which, and the hours during which, a poll shall, if necessary, be taken.

(3) The Returning officer shall give public notice of the dates fixed under sub-rules (1) and (2) in such manner as may be specified by the Director of Elections.

17-B. *Polling places*—The Returning Officer shall fix a polling place for the constituency and notify the same along with notice under sub-rule 3 of rule 17-A.

18. *Presentation of Nomination Papers*—(1) A member of a Sabha who desires to be nominated as a candidate at an election in a constituency shall deliver either in person or by his agent to the Returning Officer on the date and place and during the hours fixed under sub-rule (2) of rule 17-A a printed nomination paper in the specified form.

(2) Where the candidate seeks election to a seat reserved for the Scheduled Castes, there shall acompany with the nomination paper a declaration in the specified form subcribed by him stating that he is a member of the Scheduled Castes and specifying the particular caste to which he belongs.

(3) Any nomination paper which is not received before the close of the hour fixed in that behalf on the date appointed for filing nomination papers shall be rejected by the Returning Officer.

(4) Nothing in these rules shhll prevent any candidate from being nominated by more than one nomination paper for election in the same constituency.

18-A. *Printing and price of nomination forms*—The Director of Elections shall arrange for the supply of printed nomination forms to the candidates. The price of each nomination form shall be such not exceeding rupees six as may be fixed by the Director of Elections.

18-B *Notice of nominations*—The Returning Officer shall, on receiving the nomination paper under rule 18, inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him ; and shall *[prepare a list of the nominations received by him and announce the names of the persons so nominated].

18-C *Scrutiny of nominations*—(1) On the date and at the time and place fixed for the scrutiny of nominations the Returning Officer shall examine the nomination papers, not already rejected under sub-rule (3) of rule 18, in the presence of the candidates and their election agents if any, who may be present after giving them reasonable facilities for examining the nomination papers.

(2) The Returning Officer may reject any nomination on any one or more of the following grounds—

(*a*) that the candidate is not qualified under the Act to be chosen to fill the seat ;

(*b*) that the candidate is disqualified for being chosen to fill the seat under section 5-A of the Act ; or

(*c*) that there has been failure to comply with any of the provisions of rule 18.

(3) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected shall record in wrting a brief statement of his reasons for such rejection.

(4) At the end of the scrutiny the Returning Officer shall announce the names of candidates whose nominations he has accepted and *[shall prepare] a list showing the names in Hindi alphabetical order with particulars as given in the nomination papers of the candidates whose nomination papers he has accepted.

18-D. *Withdrawal of candidature*—Any candidate may withdraw his candidature by notice in writing in the specified form which shall be signed by him and delivered by him personally or through his election agent to the Returning Officer on the date and the hours fixed for preliminary withdrawls under rule 17-A. Notice once given can not be withdrawn and shall be final.

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*Substituted by notification No. 1137/XXXIII—31—55, dated November, 2, 1955.

18-E. *List of contesting candidates*—(1) The Returning Officer shall immediately after the expiry of the date for preliminary withdrawal fixed under rule 17-A prepare a list of contesting candidates in the specified form.

(2) The list of contesting candidates shall be prepared in Hindi and shall contain the name in alphabetical order of the contesting candidates as given in their nomination papers. The alphabetical order shall be determined with reference to the names of proper candidates.

18-F. *Incontested elections*—(1) Where on prepairing the list under rule 18-E the Returning Officer finds that the number of contesting candidate therein does not exceed the number of seates and there are no seats reserved for the Scheduled Castes he shall forthwith declare all such candidates as duly elected.

(2) If out of the seats to be filled one or more are reserved for members of the Scheduled Castes then—

(a) if the number of contesting candidates who are member of the Scheduled Castes does not exceed the number of reserved seats and number of other contesting candidates exceeds the number of seats not reserved, the Returning Officer shall declare all candidates who are the members of the Scheduled Castes to be duly elected to as many of the reserved seats as there are such candidates;

(b) if the number of contesting candidates who are members of the Scheduled Castes does not exceed the number of reserved seats and number of other contesting candidates does not exceed the number of seats not reserved for the Scheduled Castes, the Returning Officer shall at first declare all the candidates who are members of the Scheduled Castes to be duly elected to as many of the reserved seats as there are such candidates and then declare the other candidates to be duly elected to fill as many of the unreserved seats as there are such candidates; and

(c) if the number of contesting candidates who are members of the Scheduled Castes exceeds the number of contesting candidates does noot exceed the total number of seats, the Returning Officer shall first select by lots, to be drawn by him in such manner as he may determine, the candidates to be declared elected to the reserved seats out of the candidates who are members of the Scheduled Castes and declare the candidates so selected to be duly elected to fill the reserved seats and thereafter declare the remaining candidates to be duly elected to fill as many of the unreserved seats as there are contesting.candidates left.

(3) The Returning Officer shall report to the District Magistrate the names of candidates declared elected under this rule and the nature of seats whether reserved or unreserved to which they were elected and he will also report the number of seats of either nature remaining unfilled.

(4) In the case mentioned in clause *(a)* of sub-rule (2) the Returning Officer shall order that the poll shall be taken for the unreserved seats alone and in the other cases under this rule no poll shall be taken.

18-G. *Contested elections*—Where on preparing a list under rule 18-E the Returning Officer finds that the number of contesting candidates exceeds the number of seats to be filled, he shall forthwith publish the list in such manner as may be specified by the Director of Elections and shall also declare that a poll shall be taken on the date and place and during the hours fixed in that behalf.

18-H. *Death before Poll*—If a candidate whose nomination has been accepted and who has not withdrawn his candidature dies before a poll is held, and the Returning Officer finds that the number of contesting candidates remaining on the list prepared under rule 18-E does not exceed the total number of contesting candidates or the number of contesting candidates who are members of the Scheduled Castes does not exceed the number of reserved seats, he shall forthwith proceed in accordance with the provisions of rule 18-F and declare the results.

19. *Arrangements for polling*—The Returning Officer shall provide at each polling place a copy of the Adult Register in respect of the polling area or areas the elector of which are entitled to vote at such polling place as well as other forms and material as may be required for taking the poll at such polling place.

19-A. *Admission to the polling place*—The Presiding Officer shall regulate the admission of electors at the polling place and shall exclude therefrom all other persons except—

(a) the polling officers ;

(b) each candidate and his polling agent ;

(c) the police officers and other public servants on duty ;

(d) a child in arms accompanying an electors ;

(e) the companions of blind or infirm elector who cannot move without help ; and

(f) such other persons as the Presiding Officer may from time to time admit for the purpose of assisting in taking the poll.

19-B. *Right to vote*—(1) No person who is not, and except as expressly provided by the Act, every person whose name is, for the time being entered in the Adult Register pertaining to the constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election in any constituency if he is subject to any of the disqualifications referred to in section 5 of the Act.

(3) No person shall vote at a general election in more than one constituency of a Sabha and if a person votes in more than one such constituency his votes in all such constituencies shall be void.

(4) Every elector shall have as many votes as there are contesting candidates, but no elector shall give more than one vote to any one candidate.

(5) No person shall vote at any election if he is confined in a prison whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the Police.

19-C. *Procedure before commencement of polling*—(1) Immediately after the commencement of the hour fixed for the meeting, the Presiding Officer shall declare that the meeting for the poll has started and shall count the electors present at the meeting and shall record their number in the polling return.

(2) Where it is brought to the notice of the Presiding Officer that any person present at the meeting is not an elector, the Presiding Officer shall hold a summary enquiry into the matter. If after the enquiry, the Presiding Officer is of the opinion that the person concerned is not an elector, he shall require such person to leave the place of the meeting and shall keep a note of the same in the record of the meeting to be prepared under sub-rule (5) of rule 19-D.

(3) The Presiding Officer shall thereafter enquire if any of the candidates whose names appear in the list of contesting candidates prepared under rule 18-E wishes to withdraw his candidature.

(4) If any candidate wishes to withdraw his candidature he shall deliver to the Presiding Officer a notice of withdrawal in the specified form duly signed by him,

(5) Where after the withdrawal, the Presiding Officer finds that the number of contesting candidates remaining on the list referred to in sub-rule (3) does note exceed the total number of seats to be filled or the number of contesting candidates who are members of the Scheduled Castes does not exceed the number of reserved seats, he shall forthwith proceed in accordance with the provisions of rule 18-F and shall declare that the poll shall, be taken for the unreserved seats alone or that no poll shall be taken as the case may be.

(6) Where a poll is necessary the Presiding Officer shall announce the names of contesting candidates and the nature and number of seats to be filled.

(7) The Presiding Officer shall, if necessary, divide the electors present into convenient groups and place each group in charge of a polling officer :

Provided that Presiding Officer may arrange separate groups for women electors.

19-D. *Procedure for voting*—(1) Votes shall be given by show of hands.

(2) The Presiding Officer shall call out, one by one, the names of contesting candidates announced under sub-rule (6) of rule 19-C and shall, before the next candidate is called, require the electors present and who may be desirous of giving their votes to the candidate to raise their hands. No elector may raise more than one hand.

(3) The Presiding Officer shall count the number of hands raised and record the same in the polling returns and also announce it. He shall also give an opportunity to the polling agents to count the number of hands so raised.

(4) The polling shall be continued till votes have been taken for all contesting candidates.

(5) The Presiding Officer shall, as soon as may be, after votes have been taken for all the candidates, in the presence of the candidates or their polling agents who may be present prepare a record of the voting and of the meeting in the polling return.

(6) The candidate or his polling agent shall be allowed an opportunity to sign the polling return. Where the candidate or his polling agent disputes the correctness of the number of votes recorded for any candidate in the polling return or any other statement pertaining to the record of the meeting he may make his observations separately in an application to be made to the Presiding Officer.

(7) The Presiding Officer shall deliver the polling return to the Returning Officer as soon as may be practicable.

19-E. *Adjournment of poll in emergencies*—(1) If at an election the proceedings at any polling place are interrupted or obstructed by any riot or violence or are likely to be so interrupted or obstructed or if it is not possible to take the poll on account of any natural calamity, or any other sufficient cause, the Presiding Officer for such polling place shall announce an adjournment of the poll to a date to be notified later and votes already taken for any candidate shall be void and where the poll is so adjourned by a Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (1) the Returning Officer shall immediately report the circumstances to the District Magistrate and the Returning Officer shall, with his previous approval, appoint the day on which a fresh poll shall be held, and fix the polling place at which and the hours during which the poll shall be taken.

(3) Where a poll is adjourned under sub-rule (1) and a fresh poll takes place under sub-rule (2) votes shall be taken afresh for all the contesting candidates and the provisions of this chapter shall apply to every such fresh poll as they apply to the original poll.

19-F. *Fresh polling in certain cases*—(1) If at any election any polling return is taken out of the custody of the Returning Officer or of any Presiding Officer or is in any way tampered with or is either accidentally or intentionally destroyed or lost, the election to which such return relates shall be void.

(2) Whenever the polling at any polling place shall become void under sub-rule (1), the Returning Officer shall as soon as may be, after the act or event causing such voidance has come to his knowledge, report the matter to the District Magistrate and shall, with his previous approval appoint a day for the taking of a fresh poll at such polling place and fix the hours during which the poll will be taken.

(3) In every such case as aforesaid the Returning Officer shall take a fresh poll at such polling place as aforesaid on the day so appointed by him, and shall notify the date so appointed and the hours of polling so fixed by him in such manner as may be specified by him and the provisions of this chapter shall apply to every such fresh poll as they apply to the original poll.

19-G. *Election Returns*—The Returning Officer shall verify the polling returns received from the Presiding Officers and shall prepare an election return in a specified form setting forth the results of election.

19-H. *Equality of votes*—If an equality of votes is fouud, to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Offcer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

19-I. *Declaration of result*—(1) When the verification under rule 19-G has been completed, the Returning Officer shall, where no seats are to be filled by members of the Scheduled Castes; declare as many candidates securing the highest number of votes as there are seats to be filled to be duly elected.

(2) Where one or more seats are reserved for members of the Scheduled Castes, the Returning Officer shall first declare those candidates who, being members of the Scheduled Castes, secure the largest number of votes to be duly elected to fill the reserved seats and then declare such of the remaining candidates as have secured the largest number of votes to be duly elected to fill the remaining seats.

Illustration—At an election in a ward to fill four seats of which two are reserved there are six candidates A, B, C, D, E and F and they secure votes in descending order, A securing the largest number. B, C, and D are qualified to be chosen to fill the reserved seats, while A, E and F are not qualified. The Returning Officer will first declare B and C duly elected to fill the two reserved seats, and then declare A and D (not A and E) to fill the remaining two seats.

19-J. *Report of result*—As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to District Magistrate and shall also inform the Secretary of the Sabha.

*19-JJ. *Deleted.*

19-K. *Custody, inspection and disposal of election papers*—(1) The Returning Officer shall, after reporting the result of the election under rule 19-G forward all papers pertaining to elections to the District Panchayat Officer for safe custody.

(2) All papers relating to the elections shall be open to public inspection subject to such conditions and subject to payment of such fees as may be specified by the Director of Elections.

†"(2-a) Every person shall have the right to get attested copies of all papers relating to elections on payment of such fees and subject to such conditions as may be specified by the Director of Elections."

(3) The election return referred to in rule 19-G shall be retained till the termination of the next general elections for the Sahha to which it relates and shall thereafter be destroyed subject to any directions to the contrary given by the Director of Elections or by a competent court of Tribunal.

(4) All other papers relating to elections shall be retained for a period of one year and shall be thereafter destroyed subject to any direction to the contrary given by the Director of Elections or by a competent court or by a Tribunal.

19-L. *Constitution of Gaon Panchayat*—(1) As soon as may be after the election 12-A is completed at a general election and the prescribed authority has appointed under section 43 the requisite number of persons out of those elected as aforesaid to be members of Nyaya Panchayat, the District Magistrate shall cause to be published the names of the remaining persons as constituting the Gaon Panchayat.

(2) The publication under sub-rule (1) shall be made by affixing at the office of the Panchayat Inspector and at such other conspicuous places, if any, as the District Magistrate may think fit, a notice giving the names of the persons who will constitute the Gaon Panchayat of the Sabha in question.

19-M. *Bye-election*—Where any vacancy arises by reason of the death, resignation, removal or the avoidance of election of any member of the Gaon Panchayat or where it becomes necessary to nominate a person under the provisions of section 43 to fill a seat on the Nyaya Panchayat the District Magistrate shall appoint the date, time and place for various stages of bye-elections in accordance with the provisions of rule 17-A and the provisions of rules in this Chapter shall apply, as far as may be, in relation to the election of a person to fill such vacancy :

Provided that where a *Sabha* has been divided into constituencies, the election shall be held in that constituency from which the person due to whose death, resignation, removal or avoidance of election the vacancy has arisen had been elected.

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*Deleted by Notification No. 2757/XXXIII—42—55, dated August 9, 1956, Published in U. P. Gazette Part III, Sec. C.

†Added by Notification No. 1137/XXXIII dated February 7, 1956.

19-N. *Vacancies at a general election of members*—(Upon receipt of report under sub-rule (3) of rule 18-F of any seat remaining unfilled, the District Magistrate shall, as soon as may be, appoint a fresh date, time and place for each item mentioned in sub-rule (3) of rule 17-A and provisions of this Chapter shall *mutatis mutandis* apply,

(2) If again the *Sabha* fails to elect the full number of members to be elected at the election held under sub-rule (1) the District Magistrate shall report to the Director of Elections the number of seats remaining unfilled for necessary action under sub-section (8) of section 12

19-O. *Penalties*—Any person who—

(1) alters or tampers with the register of members or its copy or other document in contravention of the rules ; or

(2) obstructs or in any way interferes with any officer or servant appointed or employed for the purposes of these rules in the performance of his duties ; or

(3) defaces, injures, disturbs or removes any copy, notice or other documents fixed up or otherwise published under these rules in any public office or elsewhere ;

shall be punishable with fine which may extend to rupees ten.

CHAPTER I-E

Election of Pradhan and Up-Pradhan

20. *General Elections*—(1) Whenever an election to the office of Pradhan of a *Sabha* is to be held it shall be held simultaneously and along with the election of members of the Gaon Panchayat under Chapter I-D.

(2) The provisions of rules contained in Chapter I-D shall *mutatis mutandis* apply to the election of Pradhan:

Provided that—

(*a*) the Returning Officer and the Assistant Returning Officer for the *Sabha* appointed under rules 16-B and 16-C shall be the Returning Officer and the Assistant Returning Officer for election of Pradhan and it shall not be necessary to make any separate appointments ;

(*b*) the polling places fixed, presiding officer and polling officers appointed for elections under Chapter I-D shall respectively be the polling places, presiding officers and polling officers for election of Pradhan and it shall not be necessary to fix any separate place or make any separate appointments ;

(*c*) the price of the printed nomination form shall not exceed rupees twelve ;

(*d*) where at the close of scrutiny or by reason of withdrawal of candidature or death of any candidate at any time later on in the case of election for the office of Pradhan—

(i) there is only one contesting candidate the Returning Officer shall declare him duly elected and inform the District Magistrate accordingly ; and

(ii) there is no contesting candidate, the Returning Officer shall report the fact to the District Magistrate.

(*e*) upon the receipt of a report under sub-clause (ii) of clause (d) the District Magistrate shall appoint a fresh date for election in accordance with rule 17-A and the Returning Officer shall conduct the election as far as may be in the same manner as is laid down in these rules for the election of Pradhan at a general election.

21. *Bye-elections*—If a vacancy arises in the office of Pradhan by reason of the death, resignation, removal or the avoidance of election of a Pradhan the District Magistrate shall, as soon as may be on the receipt of the report of the vacancy, appoint the date, time and, place for various stages of election in accordance with rule 17-A and the provisions of the Act and the rules contained in this Chapter shall apply, as far as may be, in relation to the election of a Pradhan to fill such vacancy.

22. *Election of Up Pradhan*—(1) As soon as may be after the publication of names of members of Gaon Panchayat under rule 19-L the Pradhan, or in case of his incapacity for any reason or failure to call a meeting the Panchayat Inspector shall call a meeting of the Gaon Panchayat to elect an Up-Pradhan :

*[Provided that half the number of members of a Gaon Panchayat constituted under rule 19-L shall form the quorum for such meeting.]

(2) The election of Up-Pradhan shall be held by show of hands and by the simple majority system.

(3) Any member of the Gaon Panchayat may propose in the printed specified form any name from amongst the members of the Gaon Panchayat.

(4) The Director of Panchayats shall arrange for the supply of printed forms at a price not exceeding rupees four per form.

(5) The Pradhan or any other member presiding at the meeting shall take down the names proposed, arrange them in the Hindi alphabetical order, call out the name at the top and count and note down the number of hands raised in support of the candidature of the person whose name was called out. He will similarly proceed with the second and subsequent names and after all the names have been exhausted declare the candidate securing the largest number of votes to be duly elected as Up-Pradhan.

(6) If an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Pradhan or the member presiding at the meeting shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

(7) The term of an Up-Pradhan elected under sub-rule (5) shall begin from the date of his election.

(8) Whenever the term of an Up-Pradhan is about to expire or a vacancy in the office of Up-Pradhan arises due to the death, resignation or avoidance of election of an Up-Pradhan the Gaon Panchayat shall elect an Up-Pradhan in accordance with the provisions of this rule in succession to the outgoing Up-Pradhan and the term of any Up-Pradhan so selected shall begin from the date next following the date of expiry of the term of the outgoing Up-Pradhan or the date of election, whichever is later.

23. *Vacation of office under section 11-D of the Act*—(1) If a person is chosen to two offices which he cannot simultaneously hold under the provisions of section 11-D of the Act or is elected to more than one seat in any Gaon Panchayat he shall submit his resignation for all, but one of those offices or seats within thirty days of the date of the declaration of election or if the declaration of election in respect of the two or more offices have been made on different dates within thirty days of the last of such dates.

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*Added by Notification No. 3410/XXXIII—236—56, dated June 14, 1956.

Explanation—For the purposes of this rule "declaration of election" includes publication under these rules of the appointment of a person as Panch of a Nyaya Panchayat under section 43 of the Act.

(2) In the event of failure of the person to resign in accordance with the provisions of sub-rule (1) all the offices or seats, as the case may be, to which he has been elected shall become vacant.

(3) The office or offices and seat or seats becoming vacant under sub-rule (2) shall be filled as if there were a casual vacancy.[*]

CHAPTER I-F

Elections Petitions

24. *Form and presentation of application*—(1) An application under sub-section (1) of section 12-C of the Act shall be presented before the Sub-Divisional Officer within whose jurisdiction the *Sabha* concerned lies within 30 days after the day on which the result of the election questioned is annouced by the Returning Officer under rule *[18-F or 19-I] and shall specify the ground or grounds on which the election of the respondent is questioned and contain a summary of the circumstances alleged to justify the election questioned on such grounds :

Provided that no such application shall be entertained unless it is accompanied by a treasury chalan to show that the amount of Rs. [5]† has been deposited in the personal ledger account of the *Sabha* concerned as security.

(2) The application may be presented by any candidate in whose favour votes have been recorded or whose nomination paper was rejected or by any one‡ or more electors of the *Sabha.*

(3) The person whose election is questioned and, where the petition claims that the petitioner or any other candidate shall be declared elected in the room and place of such person, every unsuccessful candidate shall be made a respondent to the application.

(4) Every respondent may give evidence to prove that any person in respect of whom a claim is made that such person be declared elected should not be declared so elected on the same ground or grounds on which his election could have been questioned if he had been elected.

25. *Hearing of the petition*—(1) Subject to the provisions of the Act and the rules contained in this Chapter, every election petition shall be tried by the Sub-Divisional Officer, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trail of suits :

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* Corregindum : Notification No. 6016/XXXII dated July 4, 1956, in U. P. Gazette, Part I, dated December 10, 1955.

† Vide Notification No. 32/XXXIII, dated July 4, 1956, U. P. Gazette, dated January 7, 1956, Part III.

‡Added by corrigenda No. 1168/XXIII dated March 15, 1956.

Provided that—

(i) the Sub-Divisional Officer may hear the petitioner or his cousel and if he finds that the petition has no substance, reject the same without the issue of any notice to the opposite parties ;

(ii) it shall not be necessary for the Sub-Divisional Officer to record the evidence in full and he may maintain only a memorendum of evidence produced by the parties before him ;

(iii) if there is a sole petitioner and he dies or there is a sole respondent and he dies, the petition shall abate ;

(iv) if the respondent against whom the petition is directed dies and the seat has not been claimed for any other candidate, the petition shall abate ;

(v) a Sub-Divisional Officer may allow only such evidence to be produced as he deems relevant for the purposes of deciding the petition ;

(vi) the District Magistrate may at any stage on sufficient cause being shown transfer an application made under sub-section (1) of section 12-C for hearing to another Sub-Divisional Officer ;

(vii) an application not presented within time or unaccompanied by a Treasury chalan as required under sub-rule (1) of rule 24 may at any time be dismissed by the Sub-Divisional Officer ; and

(viii) the Sub-Divisional Officer may, on an application of either party made within five days after the date of his decision, review his order.

(2) If the Sub-Divisional Officer after hearing finds in respect of any person whose election is called in question by the petition, that his election was valid, he shall dismiss the petition as against such person and may award costs at his discretion and in case he finds the application to be altogether frivolous he may also order that the security deposit shall in part or whole be forfeited to the *Sabha* concerned,

(3) If the Sub-Divisional Officer finds that the election of any person was invalid he shall either—

(*a*) declare a casual vacancy to have been created, or

(*b*) declare another candidate to have been duly elected, whichever course appears, in the particular circumstances of the case to be appropriate, and in either case may award costs at his discretion :

Provided that no such declaration shall be made unless a claim for it has been made in application.

(4) The security deposit or portion thereof, as the case may be, not forfeited under sub-rule (2) and not required for payment of any costs awarded to any opposite party shall be refunded by the District Panchayat Officer to the person deposing the same or in case of his death, to his legal representative,

26. *Disputes relating to election of Up-Pradhan*—(1) Any person desiring to dispute the election of an Up-Pradhan shall within 30 days after the date of election present an application to the Sub-Divisional Officer of the division in which Sabha concernd is situated setting for the grounds on which he disputes the election :

Provided that no such application shall be entertained unless it is accompanied by a Treasury chalan to show that an amount of Rs. 10 has been deposited in the personal ledger Account of the Sabha concerned as security.

(2) The Sub-Divisional Officer shall hear the application himself.

(3) An application disputing the election of an Up-Pradhan shall be heard in accordance with the provisions of rules 24 and 25 in so far as the same may be applicable.

27. [* * * * *]

28. [* * * * *]

CHAPTER II

Appointment of prescribed authority

29. *Delete.*

30. * * *

CHAPTER III

(*Gaon Sabha, Gaon Panchayat and Committees*)

Rules regarding the sitting and quorum of Gaon Sabha and Gaon Panchayat, and the couduct of their proceedings

31. *Meetings of Gaon Sabhas and Gaon Panchayats*—(1) The meetings of a Gaon Sabha and of its Gaon Panchayat shall ordinarily be held in the village where the office of the Gaon Sabha is located.

(2) Except as otherwise provided in the Act or these rules, the Pradhan, and in his absence the Up-Pradhan, shall convene a meeting of a Gaon Sabha or of its Gaon Panchayat and shall fix the time, date and exact place of the meeting.

32. *Notice of meeting*—The notice of a meeting of a Gaon Sabha shall be given at least 15 days before the date of the meeting, and in the case of a meeting of a Gaon Panchayat, a written notice of at least 5 days shall be given.

33, *Convening of meeting*—The Pradhan, or in his absence the Up-Pradhan, at any time may, and on a written requisition signed by not less than one-third of the members shall, within fifteen days from the receipt of such requisition, convene a meeting of the Gaon Panchayat.

33-A. The period within which the prescribed authority may call a meeting of the Gaon Sabha under the second proviso to sub-section (1) of section 11 of the Act shall be 60 days from the receipt of requisition by the Pradhan under the first proviso to that sub-section.

33-B. *Procedure for removal of Pradhan or Up-Pradhan*—(1) A written notice of the intention to move a motion for removal of the Pradhan or Up-Pradhan under section 14 of the Act shall be necessary. It shall be signed by not less than one-half of the total number of members of the Gaon Sabha and shall state the reasons for moving the motion and it shall be delivered in person by at least five members signing the notice to the prescribed authority.

Notes—Chapters II and III—XII have been newly substituted by Notification No. 5426/XXXIII—296—56, published in U. P. Gazette, dated September 8, 1956.

(2) The prescribed authority shall, as soon as may be after the receipt of the notice, convene a meeting of the Gaon Sabha under section 14 of the Act. The meeting so convened shall be presided over by the prescribed authority or the person authorised by him in writing in this behalf.

(3) The Presiding Officer shall read to the Gaon Sabha the notice received by him. He shall then allow the motion to be moved and discussed. Such discussion shall terminate on the expiry of two hours appointed for the commencement of the meeting unless it is concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be, the motion shall be put to vote.

(4) The Presiding Officer shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(5) The Presiding Officer shall declare the results of the voting. The motion shall be deemed to have been carried only when it has been passed by a majority of two-thirds of the members present and voting.

(6) The proceedings of the meeting shall be recorded by the Secretary who shall send a copy of the proceedings together with a copy of the motion and the result of voting to the prescribed authority.

(7) Where the motion has been carried as provided in sub-rule (5), the Pradhan or Up-Pradhan, as the case may be, shall stand removed from his offies with effect from a date to be specified by the prescribed authority in a notice which shall be affixed at the office of the Goan Sabha. A copy of the notice may be sent to the Pradhan or Up-Pradhan as the case may be.

(8) The Pradhan or Up-Pradhan removed from office under sub-rule (7), shall make over charge of his offie to the person named in the notice under sub-rule (7) and in case he fails to do so, the transfer of charge shall be effected through the Police.

34. *Nature of Business to be stated in notice*—A notice of a meeting of a Gaon Sabha or a Gaon Panchayat shall state the nature of the business to be transacted at the meeting.

35. *Quorum and procedure at the meetings of a Gaon Panchayats*—(1) One-third of the total number of members of the Gaon Panchayat, including the Pradhan and Up-Pradhan, shall form the quorum for a meeting of the Gaon Panchayat.

(2) If a meeting is adjourned for want of quorum, no quorum shall be necessary for the adjourned meeting, but a fresh notice in writing of the meeting shall be given.

(3) The following procedure shall be followed at the meeting of a Gaon Panchayat :—

(*a*) The proceedings of the last meeting shall be read and confirmed and then signed by the Pradhan.

(*b*) The accounts of the previous month shall be presented and considered.

(*c*) A list of changes, if any, made in Parts I and II of the Register of Members under rule 8, after the last meetting, shall be presented.

(*d*) The circulars and orders received from the Government, the Director of Panchayats, or District Panchayat Officer, shall be read and explained.

(*e*) The development work done during the past month shall be presented.

(f) Answers to questions, if any, required to be given under the rules shall be given.

(g) The proceedings of sub-committees of Gaon Panchayats shall be read and considered.

(h) Other items, if any, shall then be taken up and considered.

35-A. *Procedure at the meetings of a Gaon Sabha*—Subject to the provisions of section 11 of the Act, the following procedure shall be followed at the meetings of a Gaon Sabha :

(a) The proceedings of the last meeting shall be read and confirmed and then signed by the Pradhan.

(b) The accounts of the period elapsed since the last meeting shall be presented for information and consideration.

(c) Other items, if any, shall then be taken up and considered.

36. *Proceedings to be kept in Hindi*—A Gaon Sabha and a Gaon Panchayat shall each keep in Hindi a brief record of its meetings and proceedings in a book in form no. 8. A copy of the proceedings shall be sent to the prescribed authority within 7 days of the meetings.

37. *Notice to be notified*—(1) A notice to attend a meetting of the Gaon Sabha shall state the date, time and place of the meeting and shall be published by affixing it at conspicuous places in the area of the Gaon Sabha. The annoucement of the date, time and place of the meeting shall also be made by the beat of drum.

(2) A notice of a meeting of a Gaon Panchayat shall be sent to each member through a chowkidar or a peon at least 5 days before the meeting and shall also be published by affixing copies of the notice at conspicuous places within the jurisdiction of the Gaon Panchayat.

38. *Period of meetting*—A meeting of the Gaon Pachayat shall be held at least once a month.

39. *Notice of question or resolution*—Any member of a Gaon Panchayat who desires to bring forward any resolution or wishes to ask any question at any meeting of the Gaon Panchayat shall give notice of his intention to do so at the previous meeting or shall, at least ten days before the meeting, inform the Pradhan, or in his absence the Up-Pradhan or the Secretary, in writing of his intention :

Provided that the Pradhan of the meeting may, in his discretion, permit the discussion of a resolution or transaction of any business for which no previous notice has been given, but which is, in his opinion, of an emergent nature calling for immediate discussion.

40. *Reconsideration of a decision by Gaon Sabha or Gaon Panchayat*—No subject, once finally disposed off by a Gaon Sabha or a Gaon Panchayat, shall be reconsidered within three months next after the passing of the resolution concerned, unless not less than two-thirds of the members of the Gaon Sabha or Gaon Panchayat, as the case may be, consent by signing a requisition to that effect:

Provided that the rates of a tax, fee, or rate once imposed or the annual estimate of income and expenditure already passed shall in no case be revised without the approval of the prescribed authority.

41. *Resolution or propsition before Gaon Sabha Gaon Panchayat*—(1) The Pradhan may disallow the moving or discussion of any resolution or proposition before the Gaon Sabha or the Gaon Panchayat which he considers

to be beyond the scope of function of the Gaon Sabha or the Gaon Panchayat, as the case may be, and in doing so, he shall record his reasons in writing.

(2) The resolutions or propositions not disallowed under sub-rule (1) shall be discussed and passed or rejected by a majority of votes. In case of equality of votes, the Pradhan shall have a casting vote.

(3) No member may, unless so permitted by the Pradhan, speak for the second time on any motion or amendment :

Provided that the proposer of a motion or amendment shall have the right to speak a second time by way of reply.

42. *Nature of questions to be asked*—Questions to be asked by a member of a Gaon Panchayat shall be in connection with the administration of the Gaon Panchayat under the Act, but they must not be argumentative or hypothetical or defamatory of any person or section of any community, nor shall they relate to any criminal, civil or revenue case pending before a Nyaya Panchayat or the judicial conduct of any Nyaya Panchayat or Panch thereof.

43. *Disallowance of a question*—The Pradhan of a Gaon Panchayat may disallow any question which does not conform to the provisions of rule 42, and in any such case the question shall not be entered in the minutes.

44. *Treatment of question on receipts*—On receipt of the questions, the Pradhan or Up-Pradhan or the Secretary or any other member authorised, shall serially number them in the order of their date of receipt and shall place them before the Pradhan who may give necessary directions to any officer or servant of the Gaon Panchayat to prepare answers to the questions.

45. *Answering of questions*—(1) At the next meeting of the Gaon Panchayat, the Pradhan or with this permission the Up-Pradhan or the Secretary of the Gaon Panchayat, shall read answers to the questions duly received before the meeting, but no supplementary questions shall be allowed.

Expunction and withdrawal of a question—(2) A member putting a question may withdraw the same at any time before the answer is read at the meeting, but in any such case the question shall be expunged from the minutes.

Question by proxy—(3) If the member who has given due notice of any question has not withdrawn it before the meeting is held, and is not present at the meeting, the Pradhan may allow the question to be put by any other member present and the answers to the same to be read.

46. *Temporary president of a meeting*—The Pradhan, and in his absence the Up-Pradhan, shall preside at the meetings of the Gaon Sabha and Gaon Panchayat and in case of the absence of both from any such meeting, the member nominated under rule 46-A shall preside at the meeting, or in case the Pradhan has not made such a nomination, the prescribed authority may nominate any member.

46-A. *Nomination of temporary Pradhan*—For the purpose of discharging the functions of a Pradhan in the absence of both the Pradhan and Up-Pradhan of a Gaon Sabha, the Pradhan may nominate in writing a member of the Gaon Panchayat and the member, so nominated, shall, during such absence, exercise all the powers and perform all the duties of the Pradhan conferred or assigned by or under the Act.

47. *Duties of the Pradhan of Gaon Panchayat*—Unless prevented by reasonable cause, it shall be the duty of the Pradhan—

(*a*) (i) to convene and preside at all meetings of the Gaon Sabha and the Gaon Panchayat, and

(ii) to control the transaction of business at the meetings and preserve order ;

(*b*) to watch over the financial and superintend the executive administration of the Gaon Panchayat and bring to its notice any defect therein ;

(*c*) to superintend and control the establishment maintained by the Gaon Panchayat ;

(*d*) to carry out the resolutions of the Gaon Panchayat ;

(*e*) to arrange for the maintenance of the various registers provided under the rules and to carry on all correspondence on behalf of the Gaon Panchayat and the Gaon Sabha ;

(*f*) to arrange for the execution of various, works for the custody of the property of the Gaon Panchayat and for the assessment and collection of taxes, rates and fees imposed by the Gaon Panchayat ;

(*g*) to file civil case and launch prosecution on behalf of the Gaon Panchayat and the Gaon Sabha ; and

(*h*) to perform such other duties as are required of or imposed on him by or under the Act or any other law.

47-A. *Special powers of the Pradhan*—In the case of any grave emergency and under intimation to the prescribed authority, a Pradhan may do any work which the Gaon Panchayat has power to do, without obtaining the prior sanction of the Gaon Panchayat, but the matter shall be placed before the Gaon Panchayat at its next meeting.

47-B. *Pradhans power to control and prevent epidemics*—For the purposes of controlling and preventing an out break of any epidemic or infectious disease in any village, the Pradhan, shall subject to the directions or orders of the District Medical Officer of Health or any officer authorised by him in this behalf, have all the powers necessary to stop infected persons or goods from entering or leaving the village, arrange for the compulsory inoculation or vaccination of all persons residing in the village, take charge of polluted food, arrange for the destruction of rats and the evacuation of houses, and do such other acts as may, in the opinion of the Pradhan, be necessary for the control and prevention of the disease.

47-C. *Delegation of powers*—The Pradhan may delegate any of his powers to the Up-Pradhan or the Secretary subject to such conditions as he may think fit to impose.

48. *Presence of persons other than members in meettings of Gaon Panchayat*—The Group Leaders of Prantiya Rakshak Dal, having jurisdiction in the area of the Gaon Sabha may speak and otherwise take part in the proceedings of Gaon Panchayat and any committee thereof under section 12-B of the Act.

49. (1) *Formation of Administrative Committees*—For the discharge of its administrative functions, a Gaon Panchayat may, if so required by the State Government constitute one or more committees.

(2) Subject to the provisions of rule 52, a committee constituted under sub-rule (1) shall consist of not less than five and not more than seven members

elected by the Gaon Panchayat out of its members and shall hold office for one year from the date of constitution :

Provided that a person who ceases to be a member of the Gaon Panchayat shall also cease to be a member of the committee.

(3) For a meeting of the committee, a quorum of three members shall be necessary, but if a meeting is adjourned for want of quorum no quorum shall be necessary for the adjourned meeting.

(4) A person may be a member of more than one committee.

50. *Chairman of a Committee*—(1) One of the members elected under rule 49 to constitute a committee, shall be named by the Gaon Panchayat to be the Chairman of that committee.

(2) The Chairman shall preside at all meetings of the committee, but in his absence from a meeting of the committee, the members present shall elect one of themselves to be the Chairman of that meeting.

(3) At the meetings of any committee constituted under rule 49 decisions shall be taken by majority of votes, and in the case of equality of votes, the Chairman shall have a casting vote.

51. *Powers of the Committee*—The committee shall exercise such powers as may be delegated to it by the Gaon Panchayat and shall be subject to the general control of the Gaon Panchayat.

52. *Representation of a Committee*—If the jurisdiction of a Gaon Panchayat extends to more than one village, so far as possible at least one member from each village shall be taken on each committee.

53. *Proceedings of the Committee*—Each committee shall keep a record of its proceedings in Hindi in Form no. **8**. The proceedings of each committee shall be read before a meeting of the Gaon Panchayat which may, for sufficient reasons to be recorded, revise any decision of a committee.

54. *Disputing an appointment on a Committee*—Any person effected by any appointment to a joint committee or any other committee and desirous of disputing the said appointment may put in a petition before the prescribed authority stating the ground or grounds on which the said person disputes the appointment.

55. *Issue of notice to opposite party*—The prescribed authority shall issue a notice to the party whose appointment is disputed to show cause, within a period specified in the notice, why the petition should not be granted. The said party shall put in his written statement in reply to the petition before the prescribed authority,

56. *Inquiry into allegations*—The prescribed authority may either make a local enquiry or take such evidence as it may think fit in order to find out the truth or otherwise of the allegations made in the petition or the written statement referred to in rule 55.

57. *Decision on a petition*—(*a*) If on enquiry or taking evidence, the prescribed authority is satisfied that there is no valid ground for disputing the appointment in question it shall dismiss the petition.

(*b*) If, however, it is satisfied that the appointment disputed was the result of coercion, fraud, intentional representation or offer or acceptance of any valuable consideration, it shall cancel the appointment and either declare a casual vacancy or declare another candidate to have been duly appointed in that place whichever course appears in the particular circumstances of the case the more appropriate.

(*c*) In cases falling under (*a*) and (*b*) the prescribed authority may award costs at its discretion which shall not exceed five rupees in any case.

58. *Casual vacancy in a Committee*—In the event of the declaration of casual avcancy the prescribed authority shall direct fresh appointment to the committee concerned.

59. *Suspension or removal of a member or Chairman*—A Gaon Panchayat may suspend or remove a member or Chairman of any committee by a resolution supported by at least two-third of the total number of members f the Gaon Panchayat.

60. *Resignation by Pradhan or Up-Pradhan or member or Panch*—(1) The Pradhan or Up-Pradhan or member of a Gaon Panchayat or a committee, or a Panch, Sahayak Sarpanch or Sarpanch, wishing to resign his office, may do so by either presenting to the prescribed authority in person or sending to his address by registered post, his written resignation signed by himself and attested by the Panchayat Secretary, and upon so presenting or sending the written resignation the person concerned shall be deemed to have vacated his office.

(2) Any person vacating an office by resignation under sub-rule 1 or by removal under section 95 of the Panchayat Raj Act shall forthwith hand over charge of his office :

Provided, firstly, that the Pradhan shall hand over charge to the Up-Pradhan and *vice versa*, the Sarpanch to the Sahayak Sarpanch and *vice versa* a member of the Gaon Panchayat or committee to the Pradhan and a Panch to the Sarpanch :

Provided, secondly, that in absence of a person required to take over charge from a person vacating an office under sub-rule 2, the charge shall be handed over to the Panchayat Inspector who shall hand over charge to the requisite person in accordance with first proviso, as soon as he is available.

(3) In case any of the persons enumerated in sub-rule 1 above will fully neglects or makes default in making over charge as provided in sub-rule 2, it shall be taken over in the manner laid down in the provisos to sub-rule 2 through police help.

61-A. *The office bearers of Nyaya Panchayats restrained from sitting in the Bench during the election which any of them contests*—(1) If any Sarpanch, Sahayak Sarpanch or Panch of a Nyaya Panchayat or any close relation of his intends to stand for election to the House of the People or the State Legislature or to a local body other than a Gaon Panchayat or a Nyaya Panchayat from any area in which he exercises jurisdiction, the Sarpanch, Sahayak Sarpanch or Panch concerned shall inform the prescribed authority of such intention. The prescribed authority shall immediately take steps to ensure that such Sarpanch, Sahayak Sarpanch or Panch does not sit in any Bench of the Nyaya Panchayat for the disposal of criminal, civil or revenue cases of that area as long as the election lasts.

Explanation—A 'close relation' in this rule means father, grand-father, father-in-law, maternal or paternal uncle, son, grandson, son-in-law, brother, nephew, first cousin, brother-in-law, sister's husband, wife, wife's brother, wife's brother's son or nephew.

(2) No Sarpanch, Sahayak Sarpanch or Panch of a Nyaya Panchayat shall in his official capacity, become a member of any organization, association or institution not recognized by Government without previous approval of the prescribed authority.

62. *Casual vacancies*—(1) In the event of death, resignation or removal of member of a committee or his ceasing to be a member under sub-rule 2 of rule 49, the Gaon Panchayat shall fill the vacancy by electing another of its members and the person so elected shall hold office for the remaining term of the committee.

(2) If the member in whose place an election is held under sub-rule (1) was the Chairman of the committee, the Gaon Panchayat shall also appoint another Chairman and the term of such Chairman shall be the remainder of the term of the committee.

62-A. *Validity of any act or proceedings*—No vacancy casual or otherwise, in a Gaon Sabha or in a Gaon Panchayat or any committee of a Gaon Panchayat shall vitiate any act or proceedings of a Gaon Sabha or a Gaon Panchayat or of such committee.

62-B. *Functioning of Gaon Sabha etc.*—A Gaon Sabha, a Gaon Panchayat and a Nyaya Panchayat shall, after their establishment start functioning on and from a date which the State Government may by a general or special order, fix in this behalf.

62-C. *Assistance to Government Servants*—The State Government may, under section 21 of the Act, by a special or general order, direct a Gaon Panchayat to assist any Government servant in the performance of his duty in the manner specified in the order.

62-D. *Information of absence from duty*—A Pradhan or Up-Pradhan of a Gaon Sabha or a Panch, Sahayak Sarpanch or Sarpanch of a Nyaya Panchayat intending to absent himself from his duty for any reason for a period exceeding 15 days, shall inform the prescribed authority in writing of such intention together with the date from which he wishes to be absent and the date on which he is likely to return to take up his duty. The prescribed authority shall, if necessary, make such arrangement for the disposal of his work as it thinks fit.

CHAPTER IV

Records and Inspections

Rules Regarding the maintenance of Records and Registers by Gaon Panchayat and Nyaya Panchayat

63. *Registers and records to be maintained by Gaon Panchayat*—Gaon Panchayat shall maintain the following registers, books and papers and the period of their retention shall be as shown against each—

(i) Gaon Fund Account Books	Twenty years.
(ii) Counterfoil Receipt Books	Five years.
(iii) Proceedings Book	Permanent.
(iv) Register showing demand and collection of taxes and other dues	Ten years.
(v) Register of correspondence and notices issued by the Gaon Panchayat.	Five years.
(vi) Inspection Book	Three years.
(vii) Annual Report on the working of Gaon Panchayats.	Ten years.

(viii) Application for copies of records of administrative proceedings.	One year.
(ix) Application for inspection of records.	One year.
(x) Forms of Oath taken by Pradhan Up-Pradhan and members of Gaon Panchayat	Four years.
(xi) Birth, Death and Marriage Registers	Permanent.
(xii) Progress Report of Works	Five years.
(xiii) Completion Certificate	Twenty years.
(xiv) Establishment Register	Forty years.
(xv) Office Order Book	Forty years.
(xvi) Audit Report	Forty years.
(xvii) Report regarding embezzlement	Forty years.
(xviii) Service Book and Character Roll	Five years after retirement of the person concerned.
(xix) Register of Public Works	Permanent.
(xx) Annual Estimate of Income and Expenditure.	Five years.
(xxi) Register of licences	Ten years.
(xxii) Appeals against assessment	Five years.
(xxiii) Register of Immovable Property	Permanent.
(xxiv) Gaon Sabha Register, Parts I and II.	Permanent.
(xxv) Claims and objections to the inclusion of names in the above registers, etc. and decision taken on them.	Three years.
(xxvi) List of Constituencies	Ten years.
(xxvii) Election papers records, results, etc.	Seven years.
(xxviii) List of library books	Permanent.
(xxix) List of Pradhans, Up-Pradhans Members and Panches.	Six years.
(xxx) Any other miscellaneous papers	Three years or more as may be ordered by District Panchayat Officer.
(xxxi) Register of Attendance of Members	Six years.
(xxxii) Survey and Development Register	Twenty years.
(xxxiii) Permanent Advance Register	Ten years.
(xxxiv) Paid Vouchers and Bills	Ten years.
(xxxv) Stock Book	Five years.
(xxxvi) Indent of Forms	One year.
xxxvii) Invoice of records sent	One year.
(xxxviii) Applications for copies of records	One year.

64. *Registers to be maintained by Nyaya Panchayat*—The following registers shall be maintained by the Nyaya Panchayat and the period of their retention shall be as shown against each :

(i) Receipt Books in respect of money separate for civil and criminal cases.	Three years.
(ii) Register of processes and summons issued or sent for service.	Three years.
(iii) Register of Diet Money ...	Three years.
(iv) Fine Register	Three years.
(v) Inspection Book	Three years.
(vi) Nyaya Panchayat Fund Account Books.	Three years.
(vii) Quarterly returns of criminal, civil and revenue cases.	Three years.
(viii) Application for copies of records	One year.
(ix) Application for inspection of records	One year.
(x) Election of Sarpanch and Sahayak Sarpanch.	Six years.
(xi) Forms of Oath by Sarpanch Sahayak Sarpanch and Panches.	Six years.
(xii) Report regarding delay in disposal of criminal, civil and revenue cases.	Three years.
(xiii) Publication of dates of sittings of Nyaya Panchayat.	Two years.
(xiv) Audit Report	Forty years.
(xv) Reports regarding embezzlements	Forty years.
(xvi) Pay Bills	Three years.
(xvii) Security Bonds	Five years after they cease to have effect.
(xviii) Service Books and Character Rolls.	Ditto.
(xix) Paid vouchers and bills ...	Ten years.
(xx) Stock Book	Five years.
(xxi) Proceedings Book	Twenty years.
(xxii) Annual Estimate of Income and Expenditure.	Five years.
(xxiii) Budget Annual Account ...	Ten years.
(xxiv) Indent of Forms ...	One year.
(xxx) Register of Immovable Property	Permanent.
(xxvi) Misalband register of civil, revenue and criminal cases.	Forty years.
(xxvii) Register of library books ...	Until a new one is prepared and certified.
(xxviii) Other miscellaneous papers ...	Three years or more as ordered by Distrirt Panchayat Officer.
(xxix) Invoice of records sent ...	One year.

65. *Additional register*—In addition to the registers prescribed in the rules, the State Government may, whenever it thinks fit, order the maintenance of any other register or book by a Gaon Panchayat or Nyaya Panchayat.

66. *Deleted.*

66-A. *Place of retention*—(1) All registers, books and connected records of a Nyaya Panchayat shall be deposited with the Secretary of the Gaon Panchayat six months after they have been closed.

(2) For the purpose of maintenance and destruction of records of civil cases and criminal cases of Nyaya Panchayat, the procedure laid down by the Hon'ble High Court for such records of the civil and criminal court shall be strictly followed.

(3) The records of revenue cases shall be maintained and destroyed according to the provisions laid down in Chapter LIV of the Uttar Pradesh Revenue Manual of the U. P. Board of Revenue.

67. *Forms of registers*—The registers, books, returns and forms prescribed herein shall be in the forms appended to these rules, but the State Government may, by a general or special order make any alterations in or additions to them.

68. *Annual report and its contents*—(1) The Goan Panchayat shall submit to the prescribed authority, before the fifteenth day of April of each year, an annual report of their work during the previous financial year. The report shall contain the following information.

(a) Constitution, of the Gaon Panchayat.

(b) A statement showing the grants and contribution and their utilization.

(c) Taxation showing demand, realization, remission and arrears.

(d) Income derived from fines other than those levied in criminal cases.

(e) Income from other sources.

(f) Expenditure; *(a)* recurring and *(b)* non-recurring.

(g) Steps taken by the Goan Panchayat during the year under report to carry out the purposes mentioned in Sections 15 and 16 of the Act.

(h) A statement showing the outstanding claims, within explanation for their non-payment during the year.

(i) A statement showing the works of construction and major repairs completed during the year in progress, or to be undertaken together with any scheme prepared for future.

(j) A statetment in Form no. 1.

(k) Any other matter of importance.

(2) The Goan Panchayat shall attach to the report a statement giving an account of its receipts and expenditure during the year supported by a certificate signed by the banker and in case of Post Office account, a certificate signed by the Pradhan.

69. *Quarterly returns of Nyaya Panchayats*—The Nyaya Panchayat shall, in the first week of January, April, July and October, submit in the prescribed form, returns regarding—

(i) Criminal cases to the District Magistrate or any officer authorized by him in this behalf ;

(ii) Revenue cases to the Sub-Divisional Officer; and

(iii) Civil cases to the Munsif—

within whose jurisdiction the Nyaya Panchayat concerned lies.

70. *Inspection of Gaon Panchayat Office*—Any officer or member of the District Board or any officer or person appointed or authorized by the Government in this behalf may inspect the office of a Goan Panchayat. The Pradhan of the Gaon Panchayat shall produce before such officer or person all documents, registers, etc. Which the latter may require for inspection. The result of the inspection shall be reported to the prescribed authority.

71. *Inspection of work, institution or records of a Gaon Panchayat*—Any member or officer of a Goan Panchayat or of the District Board, any person authorized by the State Government or the Distrtct Magistrate in this behalf, and with the previous sanction of the Pradhan or Up-Pradhan, any member of the Gaon Sabha concerned may inspect any work or institution constructed or maintained in whole or in part of the expense of the Goan Panchayat, or any register, book or account or other documents belonging to or in the possession of the Gaon Panchayat or of any Committee thereof.

72. *Holding of an enquiry*—The Pradhan or any member of a Gaon Panchayat authorized by the Pradhan or any officer authorized by the State Government or the District Board may hold any enquiry in connection with the administration of the Gaon Panchayat and for that purpose summon witnesses through the Nyaya Panchayat having jurisdiction and compel production of any document.

72-A. *Registration of marriages*—(1) Any husband and wife wishing to have their marriage registered in the Register of Marriages maintained by a Gaon Panchayat may do so by informing personally the officer charged with the maintenance of the register the fact of their marriage and giving the particulars required to be filed in the register.

(2) A fee of Re. 1 shall be paid before the marriage is registered.

73. *Copies of documents and fees therefor*—Until the records of a Gaon Panchayat have been consigned, applications for copies of the records of Gaon Panchayat shall be made to the Pradhan of the Gaon Panchayat. For purposes of the rates of copying fees and the manner of granting such copies, the procedure laid down in rules 107 to 111 shall be followed.

Note—After the consignment of the records, for purposes of the rates of copying fee and the manner of granting such copies, the procedure observed in the District officer's office shall be followed.

73-A. (1) Before entertaining any application and calling for the records of the Gaon Panchayat in a case in any court at the instance of party, the authority cancerned shall direct the applicant to deposit a fee of rupee one for each record summoned to be credited to the Gaon Fund together with the diet money for the person bringing the records and shall send the amount along with requisting for the required record to the Pradhan of the Gaon Panchayat and shall inform the date on which the record is to be presented in the court.

(2) The Pradhan of the Gaon Panchayat shall; on receipt of the above requisition and notice together with fee and diet money, either arrange to send the record through some one or personally persent the same on due date before the authority calling for the records.

Note—Diet money includes daily allowance and travelling allowance as defined rules 124 and 125.

74. *Proceedings and records open to inspection*—Subject to the rules hereinafter contained, all judicial records of Nyaya Panchayats and administrative proceedings of the Gaon Panchayats shall be open to inspection.

75. *Inspection of pending judicial records*—The record of a criminal, civil or revenue case which is pending or which has been decided but the record of which has not been deposited in the office of the Gaon Panchayat may be inspected by a party thereto free of charge.

Any person other than the parties concerned desiring to inspect such records, shall obtain the permission of the Chairman of the Bench before whom the criminal, civil or revenue case is pending, or of the Sarpanch of the Nyaya Panchayat if it has been decided, by presenting an application stating therein the nature of the interest for the protection of which inspection is sought. On permission being granted, inspection shall be allowed on payment of the inspection fee laid down in rule 77. The records of a pending criminal, civil or revenue case include the records of a decided criminal, civil, or revenue case called for in connection with a pending case.

76. *Inspection of deposited records*—The inspection of records deposited in the office of the Gaon Panchayat shall be allowed with the permission of the Secretary on payment of an inspection fee.

77. *Inspection fee*—The inspection fee shall be annas 4 for the first hour and annas 2 for any subsequent hour or fraction thererof for every record inspected. The fee chargeable under this rule shall be paid in cash with the application for inspection to the Pradhan or Sarpanch, as the case may be who shall credit it to the Gaon Fund and shall forthwith give a receipt under his signature in the prescribed form.

73. *Place and time for inspection*—The inspection under rule 75 shall be made in the office of the Nyaya Panchayat and that under rule 76, at the place where the records are for the time being in deposit.

79. *Maintenance of Inspection Book*—A book called the Inspection Book in Form No. 11 shall be kept by each Gaon Panchayat and Nyaya Panchayat. Every person desiring inspection shall fill in the particulars in columns 1 to 4 of the inspection Book.

80. *General restrictions and directions for inspection*—The use of pen and ink during in spection is strictly prohibited. Pencil and paper may be used for making any notes or copies from the record or paper inspected. The inspection of the records shall be noted on the record or paper inspected. The inspection of the record shall be noted only in the presence of an officer of the Gaon Panchayat or Nyaya Panchayat, as the case may be.

81. *Inspection of administrative proceedings*—All administrative proceedings of a Gaon Panchayt will be open to inspection at the discretion of the Pradhan. The procedure laid down for the inspection of judicial records shall be followed if the inspection is allowed.

81-A. *Deleted.*

82. *Limitation for writing off of fines : Jurisdiction of a Nyaya Panchayat*—If any amount of fine imposed by a Gaon Panchayat in an administrative case or by a Nyaya Panchayat in a judical case is irrecoverable, it may be written off by the Gaon Panchayat or Nyaya Panchayat concerned ; provided that if the amount of such fine in any case exceeds Rs. 5 it shall not be written off without the previous sanction of the prescribed authority in case of a Gaon Panchayat or of the superior court in case of a Nyaya Panchayat.

82-A. All arrears of sums becoming due to the Gaon Sabha under section 99 or the Act may be recovered as arrears of land revenue.

CHAPTER V

Nyaya Panchayat

Its Constitution and Procedure

83. *Deleted.*

83-A. *Election of Sarpanch and Sahayak Sarpanch*—(1) The period within which the Panches of a Nyaya Panchayat shall elect from amongst themselves two persons as the Sarpanch and the Sahayak Sarpanch shall be one month from the date on which the appointment of Panches of the Nyaya Panchayat under section 43 is completed.

(2) The District Magistrate shall appoint a date, time and place for the meeting of Panches to elect Sarpanch and Sahayak Sarpanch and shall give notice of the meeting to each Panch.

(3) An officer not below the rank of the Naib-Tahsildar to be nominated by the District Magistrate, shall preside at the meeting but shall have no right of vote thereat.

(4) Half the number of members of a Nyaya Panchayat fixed under Rule 3-E shall form the quorum for the meeting.

(5) Vote shall be given by writing the name of the candidate for whom the elector wishes to vote on the ballot paper or chit duly stamped or signed by the Presiding Officer and supplied to the elector, which after writing the name of the candidate shall be handed over to the Presiding Officer and the same must not be signed by the elector.

(6) If only one candidate is proposed and seconded for the office of Sarpanch or Sahayak Sarpanch, he shall be deemed to be elected, but if more than one candidate are proposed and seconded for any such office, vote shall be taken by the Presiding Officer and the candidate obtaining the largest number of votes shall be deemed to be elected.

(7) If upon the counting of the votes, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of the candidates to be declared elected under sub-rule (6) the Presiding Officer of the meeting shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

83-B. Any dispute relating to the election of a person as Sarpanch or Sahayak Sarpanch shall be decided in the manner provided in Rule 26, for decision of disputes relating to election of Up-Pradhan.

84. *Constitution of a Bench*—(1) (*a*) For the disposal of cases and inquiries coming up before the Nyaya Panchayat, the Sarpanch shall, subject to any directions issued by the Director of Panchayats in this behalf, constitute Benches consisting of five Panches each. The Benches so constituted shall be known as Bench No. 1, Bench No. 2 and so on.

(*b*) At the end of each year the Benches may be reconstituted in such manner as the Director of Panchayats may direct; provided that any case already heard in part by a Bench shall be disposed of by that Bench.

(2) Subject to provisions of section 49 (3) of the Act, the distribution of cases between the Benches shall be made by allotting cases to Benches in serial order, i. e. the first case shall be allotted to Bench No. 1 and the second case to Bench No. 2, and so on.

(3) Where the Sarpanch or the Sahayak Sarpanch is a member of any Bench constituted under this rule, he shall be the Chairman of the Bench and in other cases the Panches constituting the Bench, shall by majority opinion nominate one of themselves to be the Chairman of the Bench.

(4) Where by reason of disagreement among the Panches constituting a Bench, it becomes impossible for them to give a decision by the opinion of the majority, the prescribed authority shall, on a reference being made by the Sarpanch in this behalf, transfer the case to the next Bench which will re-hear the case and decide the same.

Note—For the purpose of section 49(3) of the Act, the word "relation" means father, grand-father, father-in-law, maternal or paternal uncle, son, grand-son, son-in-law, brother, nephew, first cousin, paternal or maternal wife's brother, sister's husband-husband, husband's brother, husband's sister, sister, daughter, daughter-in-law, sister, sister-in-law, being the wife of a brother or first cousin, mother, mother-in-law and aunt maternal or paternal.

85. *Qualification af Panches*—A person shall not be qualified to be appointed a Panch of a Nyaya Panchayat unless he—

(*a*) is able to read and write Hindi in Devanagri Script, and

(*b*) is thirty years or over in age.

86. *Oath of Office of a Panch or Member*—Every Panch appointed under section 43 of the Act and every member and Pradhan of a Gaon Panchayat shall, at the first meeting of the Gaon or Nyaya Panchayat, as the case may be, which he attends, take oath of office in the following manner :

Oath

I...(name)..do swear that I will bear true a faith and allegiance to the Constitution of India as by law established and that I will do right to all manner of people and faithfully discharge my duties as Panch of a Nyaya Panchayat, member of the Gaon Panchayat without fear or favour, affection or ill-will. So help me God.

87. *Nyaya Panchayat, time and place of its meeting*—A Nyaya Panchayat shall hold its sittings at such time and place and in such central village as may be fixed by the prescribed authority.

87-A. *Deleted.*

88. *Duration of sitting of Nyaya Panchayat*—A Nyaya Panchayat shall sit for as many days in a month as may be compatible for the speed disposal of work or as may be determined by the prescribed authority.

89. Every case shall ordinarily be finally disposed of within six weeks of its institution or its transfer to the Nyaya Panchayat. If it is not decided within this period, the Nyaya Panchayat shall record reasons for delay in the quarterly return submitted to the prescribed authority.

90. *Sittings to be notified*—The date on which the Nyaya Panchayat shall ordinarily sit in a month shall be notified in the third week of the preceding month by affixing a list of such dates at the office of the Nyaya Panchayat.

91. A weekly list of cases to be notified with names of parties and the dates on which they are to be heard shall be prominently displayed outside the office of the Nyaya Panchayat for general information.

92. *No fee for enquiring date of hearing*—No fee shall be charged from a party or witness for enquiring orally or by application, the date fixed for the hearing of his case.

93. *Application under section 75*—The Sarpanch, Sahayak Sarpanch or the Panch receiving the application under section 75 of the Act shall, in regard to civil case, record its description and valuation, and in the case of a criminal case, the nature of the offence and, if possible, particulars of the matters mentioned in section 59 of the Act.

94. *Deleted.*

95. *Examination of parties and their witnesses*—(1) At the hearing of a civil or revenue case, a Nyaya Panchayat may first examine the parties to assertion their cases and to find out what the points of difference between them are. In taking evidence the Nyaya Panchayat shall first examine the plaintiff or the applicant and his witnesses and afterwards the defendant or the objector and his witnesses, as the case may be. While trying a criminal case, the Nyaya Panchayat shall first explain to the accused the charge or charges made against him and record the prosecution evidence and then examine the accused and record the evidence in defence :

Provided that if in a criminal case an accused makes a clear and voluntary confession of the crime, he shall be convicted without recording any evidence ; while in a civil or revenue case if the claim of the plaintiff or the applicant is totally admitted by the other party, it will not be necessary for the Nyaya Panchayat to record any evidence.

(2) Each party shall be allowed to cross-examine the other party except an accused and the witnesses produced just after their examination-in-chief, but the Nyaya Panchayat may, either of its own motion or on the request of any party, examine any person at any stage of the proceedings before passing final orders, and in such a case each party shall be entitled to put questions to the person so examined.

(3) Before examining any person except an accused a Nyaya Panchayat shall administer him the following oath or if the person is willing to make an oath in any other form to which peculiar sanctity is attached in the locality, then in such other form :

> "I shall state the truth, and nothing but the truth. So help me God."

95-A. *Deleted.*

95-B. *Restoration of application*—If an application under section 85 of the Act is dismissed for default, the court may, on an application made within one month of the date of the dismissal order or acknowledge thereof for sufficient reasons to be recorded in writing, restore the same.

96. *Deleted.*

97. *Inquiry into a question of title or right*—In matters involving a question of title or right under the personal law of the party, the Nyaya Panchayat shall make only a summary enquiry and shall not enter into intricate questions of title based on civil and personal laws. In case of any doubt or difficulty, it may make referenee to Sub-divisional Officer having jurisdiction and shall act thereafter according to his directions.

98. *Retunn of documents*—If any document is produced before a Nyaya Panchayat it shall be noted and endorsed by the Nyaya Panchayat. Documents other than those on which a case is based shall be returnable after the final disposal of the case to the parties filing them.

99. *Examination of women on commission*—(1) If a woman as a party or witness wants herself to be examined by the Nyaya Panchayat on commission, her representative acting under section 81 of the Act, or the party desiring

to examine her as witness shall make an application to the Nyaya Panchayat in that behalf, and if so ordered by the Bench, the representative or the party concerned shall deposit conveyance charges or arrange for a conveyance for the Sarpanch, Sahayak Sarpanch or a Panch of the Bench of the Nyaya Panchayat. Thereupon the date and the time shall be fixed by the Chairman of the Bench the information of which shall be given by him to the parties and the woman concerned in advance. The Panch of the Bench whom the Chairman of the Bench may have directed in that behalf shall examine the woman at her residence in the same manner as if she were appearing before the Nyaya Panchayat and take record of the statement made by her.

(2) The statement of the woman so recorded, shall be signed or thumb-marked by the woman and attested by at least one identifying witness and shall form the part of the case.

99-A. *Issue of Commission*—(i) The Sarpanch of a Nyaya Panchayat may issue commission to any District Magistrate or Sarpanch of a Nyaya Panchayat having jurisdiction over the area for the examination of any witness if he considers that the examination of the witness is necessary in the ends of the justice and that the attendance of such witness cannot be produced without an amount of delay, expense or inconvenience which under the circumstances of the case would be unreasonable.

(ii) The District Magistrate or the Sarpanch receiving the commission may nominate any official subordinate to him not below the rank of a Naib-Tehsildar or a Bench of Nyaya Panchayat, and such official or Bench shall proceed to the place where the witness is or shall summon the witness before him and shall take down his evidence in the same manner as a witness and may for this purpose exercise the power of a Nyaya Panchayat.

(iii) The parties to the case in which a commission is issued may respectively submit any interrogatories in writing, which the Sarpanch directing the commission may think relevant to the issue, and he shall forward such interrogatories along with the commission ; and the District Magistrate or the Sarpanch to whom the commission is directed or to whom the duty of executing such commission has been delegated shall examine the witness upon such interrogatories.

(iv) Any such party may appear before such District Magistrate or Bench either personally or through any friend or relation who has been duly authorised in this behalf and may examine, cross-examine and re-examine, as the case may be, the said witness.

(v) After a commission has been duly executed, it shall be returned together with the deposition of the witness exmined thereunder to the Sarpanch who issued it ; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party and shall form part of the record.

(vi) In every case in which a commission is issued the proceedings may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

(vii) An order for the issue of a commission for the examination of a witness may be made by the Nyaya Panchayat either of its own motion or on the application supported by affidavit, of any party to the case or of the witness to be examined.

(viii) Before issuing a commission, the Nyaya Panchayat may order such sum, if any, as it thinks reasonable for the expenses of the commission, to be paid to it by the party at whose instance or for whose benefit the commission is issued within such time as may be fixed.

100. *Judgment order or decree*—After ascertaining the facts of the case by examining the parties, their witnesses and the documents produced, if any, and by any other lawful means in its power, the Nyaya Panchayat shall record a brief judgment and the final order over the signatures of the Panches. The judgment shall be read in the open court and signatures or thumb-impressions of the parties present will be taken on it as far as possibe, which shall form part of the record. The judgment, and if the case is a civil or revenue case a decree in the prescribed form (Form no. 24) shall be drawn up in terms of the judgment.

101. *Dispoal of cases pending on death of any party*—If during the pendency of a criminal case, other than a police case, either the complainant or the accused dies, the case shall abate, but if during the pendency of a civil or revenue case any party dies the legal representative of the said party shall be made a party to the case subject to the provision of section 67 of the Act.

102. *Payment of fine or compensation*—The fine imposed or the compensation granted by a Nyaya Panchayat shall be paid to the Sarpanch, the Sacretary or a Panch duly authorised by Sarpanch in this behalf, and he shall give a receipt for the amount in the prescribed form.

103. *Language of Nyaya Panchayat*—The Language of the Nyaya Panchayat and of all its records and registers shall be Hindi in Devnagri Script.

104. *Seal of the Nyaya Panchayat*—Eevery Nyaya Panchayat shall have a seal inscribed with its name, and shall use the same on all processes, orders and copies issued by it.

105. *Court Fee*—The following fees in cash shall be charged by the Nyaya Panchayat before intertaining any case ;

(i) *Civil cases*	*Fee to be charged.*
When the amount of value of the subject in dispute does not exceed Rs. 10	Four annas.
When it exceeds Rs. 10 but does not exceed Rs. 25	Eight annas.
When it exceeds Rs. 25 but does not exceed Rs. 50	One Rupee.
When it exceeds Rs. 50 but does not exceed Rs. 200	Rupee 1 and annas four for every ten rupees or part thereof in excess of Rs. 50.
When it exceeds Rs. 200 ..	Rupees four and annas eight plus annas four for every ten rupees or part thereof in excess of Rs. 200.
(ii) Criminal complaints ..	Eight annas.
(iii) Miscellaneous applications in a case	Tow annas.
(iv) Any other application not otherwise provided for in these rules ..	Tow annas.
(v) Revenue case	Rupee one.
(vi) Application for setting aside an *ex parte* decision	Rupee one.

Provided, firstly, that the Nyaya Panchayat may, for reasons to be recorded in the Register for Criminal Cases, waive off the payment of a fee in a criminal case ;

Provided, secondly, that where a Nyaya Panchayat decides that it has no jurisdiction, it shall return the fee paid by the applicant, together, with the application if in writing :

Provided, thirdly, that fees in civil cases under section 82 of the Act shall be charged at a flat rate of annas eight for every ten rupees or part thereof :

Provided, fourthly, that in no case, a Nyaya Panchayat shall charge fees exceeding Rs. 100 :

Provided, fifthly, that in the Kumaon Division, Jaunsar Bhabar-Pargana of Dehra Dun District. and portion lying south of the Kaimur Range of Mirzapur District, the fees shall be charged at twice the rates prescribed above :

Provided, sixthly, that no fee shall be charged in a revenue case when a patwari, Lekhpal, or any other superior officer of the Revenue Department files any report or initiates any proceedings :

Provided, seventhly, that no fee shall be charged on a complaint or a process issued on the complaint or application of an officer or servant of a local authority when acting in that capacity.

106. *Deleted.*

107. *Application for copy of records and fee thereon*—An application for obtaining a copy of the records of a Nyaya Panchayat before the consignment of such records under these rules shall be made to the Sarpanch of the Nyaya Panchayat and shall be accompanied with a fee of two annas.

108. *Copying fee*—(1) Copying fees shall be charged at the rate of 5 annas or 10 annas for every 200 words and fraction thereof according as the copy applied for is ordinary or urgent but the Nyaya Panchayat may, for special reasons, grant to an accused upon his conviction a copy of its order free of costs.

(2) Half the copying fee charged for supplying a copy shall be paid to the person preparing the copy in case he is not an employee of the Gaon Sabha or the Nyaya Panchayat concerned.

(3) Urgent copies shall ordinarily be delivered to the applcant within 24 hours of the receipt of the application.

109. *Payment of fee in odvance*—While making an application for a copy, the applicant shall pay a sum likely to cover the copying fee, but if at any time it is found that the sum so paid falls short of the copying fee under rule 108, the applicant shsll be required to pay the deficiency before the delivery of the copy to him.

110. *Preparation and delivery of the copy*—The Sarpanch shall get the copy applied for prepared on plain paper, certify it a true copy under signature and seal, and deliver it to the applicant or his duly authorised agent and also refund to him the balance, if any, left out of the sum paid under rule 109 after meeting the copying fee.

111. *Credit and disbursement of fees*—(*a*) All the fees chargeable under rule 105, 107 and 108 shall be paid in cash to the Sarpanch who shall forthwith give a receipt under his signature in the prescribed form for each fee received.

(*b*) A Nyaya Panchayat shall maintain a Nyaya Panchayat Account in Form no. 6-A in respect of all income received in the form of fees, fines,, contributions from Gaon Sabhas, etc. and all expenses incurred by it, (*c*) All sums realized by way of court fees or fines in a case triable under the Act shall be deposited by the Sarpanch in the personal ledger account of the Nyaya Panchayat as soon as the total of such fees and fines exceeds at any time Rs. 25.

(*d*) The District Panchayat Officer shall transfer to the credit of the State Government on the 15th day of October and of April in each financial year the whole amount then in deposit in the personal ledger account of the Nyaya Panchayat under sub-rule (c) and out of the sums so credited transfer to the Gaon Sabhas concerned in equal shares such sums as the State Government may determine under sub-section (2) of section 39 of the Act.

(*e*) Any balance in the Nyaya Panchayat Account left on the 1st April in any year shall be disbursed in equal shares by the prescribed authority to each Gaon Sabha situated within the circle of the Nyaya Panchayat concerned :

Provided that the amount to be disbursed after the close of a year shall be the outstanding of the balance of the year previous to the 1st April.

112. Every summons or notice issued by a Nyaya Panchayat shall be in duplicate and in the prescribed form (Form no. 4). It shall specify the time, date and place at which the person is required to attend and also whether his attendance is required as an accused, a defendant, a judgment-debtor or other party or a witness, and whether for the purpose of giving evidence or to produce a document or for other purposes. If any particular document is to be produced, it shall be described in the summons or notice with reasonable accuracy. The price of the summons shall be pies six each and it shall be realized from the party on whose behalf the summons is issued.

113. *Summons to produce a document*—Any person may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce it.

114. *Persons exempted from attendance in court not to be summoned*—No Nyaya Panchayat shall summon to appear before it, for the purpose of giving evidence, persons who, according to the custom of the country or under the provisions of the Code of Civil Procedure, 1908, are exempted from personal attendance in Court.

115. *Service of summons*—If the person on whom the summons or notice is to be served resides within the jurisdiction of the Nyaya Panchayat, the procedure outlined in rules 117 and 118 shall be followed.

116. *Service fee*—If the summons or notice is to be served at the instance of a party, the Nyaya Panchayat shall except in a criminal case initiated by a police officer or a revenue case initiated by a lekhpal or an officer of the Revenue Department, recover a fee of eight annas per summons or notice from that party. The fee shall be credited to the Nyaya Panchayat Account and paid to the process-server at the rate of annas four per summons or notice. In the hill-districts of the Kumaon Division, the Jaunsar Bhabar pargana of Dehra Dun and the portion of Mirzapur District lying south of the Kaimur Range, the fee shall be charged at double the above rate.

117. *Person charged with process-serving*—The summons or notice shall ordinarily be served by a chowkidar or process-server, but the Sarpanch or Panch who directs its issue may, in his discretion, cause it to be served by any other person.

118. *Method of service within jurisdiction*—The summons or notice shall be served by delivery to the person concerned whose signature or thumb-

impression shall be taken on the duplicate. If the person concerned cannot be found or if it appears that he is evading service, the Sarpanch, Sahayak Sarpanch or a Panch may order that the summons or notice may be served on an adult male member of the family residing with him, or affixed in presence of two witnesses to some conspicuous part of the house in which the person ordinarily resides. The summons and notice shall thereupon be deemed to have been served on the person concerned.

In case the summons or notice cannot be served in the manner contemplated as above, or as provided under rule 120, the Nyaya Panchayat may cause it to be published in a newspaper having local circulation. On publication the summons or notice shall be deemed to have been served on the person concerned.

119. *Diet money*—No diet money shall be paid to any person who resides within the jurisdiction of the Nyaya Panchayat.

120. *Method of service outside jurisdiction*—If the person to be summoned by a Nyaya Panchayat in a case resides outside its jurisdiction, the Nyaya Panchayat shall send the summons, by post or otherwise, to the Nyaya Panchayat or the court within whose jurisdiction the person on whom it is to be served resides and such Nyaya Panchayat shall cause it to be served as if it were its own summons and shall return the duplicate to the Nyaya Panchayat concerned. If the person summoned is a witness, the Nyaya Panchayat shall require the person at whose instance the summons is to be issued, to deposit diet money payable to the witness under these rules before the summons is issued. The amount of the diet money shall be noted on the summons and shall be paid to the witness on his appearance.

121. *Procedure of summons issued under rule 120*—A summons issued by a Nyaya Panchayat of its own motion under rule 120 shall be sent to the Nyaya Panchayat or the court concerned, by post or otherwise, and shall contain a note that it has been issued by the Nyaya Panchayat of its own motion and that diet money shall be paid by the Nyaya Panchayat to the witness on his appearance.

122. *Diet money from Nyaya Panchayat Account*—When a Nyaya Panchayat summons a witness of its own motion and such witness resides beyond its jurisdiction, it shall pay diet money to the witness out of the Nyaya Panchayat Account.

123. *Refusal to summon a witness*—A Nyaya Panchayat may refuse to summon witness in its opinion, his attendance cannot be procured without any amount of delay, expense or inconvenience, which, in the circumstances, would be unreasonable.

124. *Diet money defined*—Diet money consists of—

(*a*) daily allowance, and

(*b*) travelling expenses,

and is intended to reimburses witnesses for the reasonable expenses incidental to their attendance before the Nyaya Panchayat.

125. *Rates of daily and travelling allowances*—Daily allowance and travelling allowance shall be paid at the following rates by the Sarpanch considering the status of the witness :

(i) Daily allowance—Annas 12 to Rs. 1-8 per day.

(ii) Travelling allowance for a journey by road—Actual expenses incurred up to a maximum of six annas a mile.

(iii) Travelling allowance for a journey by rail—One and a half railway fare at III or second class rate.

(iv) If a servant or officer of the Government or a local body is summoned as a witness, his daily and travelling allowances shall be governed by the rules of the Government or the local body as the case may be. If there are no rules for any local body in this connexion, the daily and travelling allowances shall be determined by the Nyaya Panchayat.

126. *Register of diet money and issue of receipts*—Whenever diet money is deposited, the Nyaya Panchayat shall give a receipt to the person depositing it and shall forthwith enter in the register of diet money (Form no. 9) the name of the depositer and the amount deposited. On payment of the diet money to a witness or its repayment to the depositer, the Sarpanch or Panch in whose presence the amount is paid shall sign the register of diet money.

127. *Powers of investigation*—The Nyaya Panchayat or any Panch thereof duly authorized in this behalf may, for ascertaining facts conducive to the proper disposal of a case or reference, enter upon any land or building at any time between sunrise and sunset after giving twenty four hours notice to the occupier, or when there is no occupier, to the owner of such land or in his absence, his representative. If the land or building is in the occupation of persons who according to the custom of the country, do not appear in the public, due notice may be given to them to withdraw.

128. *Execution of decrees*—(1) The holder of a decrees or order may put in an application for its execution on payment of one-fourth share of fee payable for the institution of the original suit before the Nyaya Panchayat which passed the decree. The fee so paid shall be included in the costs.

(2) If the property of the defendant or opposite-party against whom the execution application has been presented is not situated outside the jurisdiction of the Nyaya Panchayat, it shall issue a notice to defendant or opposite-party requiring him to comply with the decree or order within 30 days of the receipt of notice. If the decree is not complied with within the said time or such further time not exceeding three months as the Nyaya Panchayat may deem fit to allow, it shall forward the decree or order for execution in accordance with the provisions of sub-section (2) of section 93 of the Act.

(3) If the property of the defendant or opposite-party against whom the execution application has been presented is situated outside the jurisdiction of the Nyaya Panchayat, it may either itself proceed in the manner laid down in sub-rule (2) above or transfer the decree or order for execution as provided in sub-section (1) of section 93 of the Act by sending a copy of the execution application together with a copy of the decree or order after endorsing the words "transferred for execution to designation of transferee." The Nyaya Panchayat or the Munsif or the Sub-Divisional Officer, as the case may be, to whom the decree or order is transferred for execution shall issue a notice to the defendant or opposite-party in the manner provided in sub-rule (2) above. If the decree or order is not complied with within the period specified in the notice or within such further time not exceeding three months as may be allowed, further if the notice was issued by a Nyaya Panchayat it shall act under sub-section (2) of section 93, and if it was issued by a Munsif or a Sub-Divisional Officer then the Munsif or Sub-Divisional Officer shall execute the same as if it were a decree or order passed by him.

128-A. (1) Before entertaining an application under section 85 or 89 of the Act and calling for the record of a case from a Nyaya Panchayat at the instance of any party, the authority concerned shall direct the applicant to deposit a fee of rupee one and annas eight together with money order charges for this purpose and shall send the amount along with a requisition for the required record to the Sarpanch of the Nyaya Panchayat concerned.

(2) The Sarpanch shall, within a week of receipt of the above requisition and fee, send the required record either by registered post acknowledgment due or by any other means to the authority concerned :

Provided that the record of a case called for by an authority concerned of its own motion, shall be sent to it at the cost of the Nyaya Panchayat within a week of the receipt of its requisition.

128-B. *Deleted.*

128-C. *Deleted.*

CHAPTER VI

Maintenance, Acquisition and Transfer of Property

129. *Application for acquisition of land*—When any land is required by a Gaon Sabha to carry out any purpose of the Act, and it is desired to be acquired for the Gaon Sabha, then—

(*a*) if the acquisition is sought to be made through the Collector, the application for acquisition shall be made by the Gaon Panchayat in Form no. 41 ; and

(*b*) if acquisition is sought under the U. P. Rural Development (Requisition of Land) Act, 1948, the application shall be made by the Panchayat in accordance with the provisions of section 6 of that Act.

130. *Transfer of immovable property vested in the Gaon Panchayat*—The Gaon Panchayat shall not transfer otherwise than by way of lease without a premium any immovable property vested in it, except with the previous approval of the Commissioner on such conditions as he may approve, in case its value exceeds two thousand rupees, and in other cases, with the sanction of the Collector, on such conditions as he may impose.

131. *Scale map of land*—In cases where the sanction of the Commissioner or the Collector is required for the transfer of property vested in the Gaon Panchayat, the Gaon Panchayat shall report the proposal in Form no. 23 to which a scale map in duplicate of the land and surroundings shall be attached.

132. *Lease without premium*—In case of a lease without premium transferring immovable property vested in the Gaon Panchayat, a reasonable annual rent shall be reserved and made payable during the whole term of the lease, and the lease or any agreement to grant the lease shall not be made without the previous sanction of the Gaon Panchayat by a resolution :

Provided that when the term of the lease exceeds ten years, but not thirty years, the previous sanction of the Collector, and when the term exceeds thirty years, the previous sanction of the Commissioner shall also be obtained.

133. *Lease by auction or tender*—The Gaon Panchayat shall not ordinarily transfer property vested in it by lease except by auction or after inviting tenders. In cases where public tenders have not been invited, the Gaon Panchayat shall record its reasons for entertaining a private offer and the method adopted by it in fixing a fair rent.

134. *Approval of Collector or Commissioner*—When these rules require the previous approval of the Collector or the Commissioner to a transfer of property

vested in the Gaon Panchayat, any instrument whereby the transfer is effected should record the fact of the approval of the Collector or Commissioner having been obtained.

135. *Nazul Land*—The maintenance and management of nazul land shall be governed by rules framed by the State Government for the District Board.

136. *Register of immovable property*—A Gaon Panchayat shall maintain a register, in Form no. 13 of all immovable property other than the nazul (including trees) which is vested in or placed under the management of or is held by the Gaon Panchayar on lease.

137. *Seperate entries for different kinds of property*—The property vested in, or placed under the management of, and held by Gaon Panchayat on lease shall, respectively, be entered in seperate parts of the register.

138. *Periodical examination of the register*—The Gaon Panchaya shall periodically, but not less than once a year, cause the register to be examined and verified by the prescribed authority and the examining officer shall be required to certify that the record is correct.

• 139. *Transfer*—No immovable property vested in or belonging to a Gaon Panchayat shall be transferred by sale, gift, mortgage, or exchange,

140. *Contract for work or supply or collection of any article*—All contract, whether for execution of any work or for supply of any article, shall be sanctioned by the Gaon Panchayat, and if the value of the contract exceeds Rs. 50, the contract shall be sanctioned only after calling for tenders and shall be in writing and signed by the Pradhan and one other member of the Gaon Panchayat .

CHAPTER VII

Rules Governing sanitation, etc.

141. *Application of municipal by-laws governing sanitation etc.*—The prescribed authority, with the previous consent of the Gaon Panchayat concerned, may and, if required by the State Government, shall apply with necessary modifications the provisions of the U. P. Municipalities Act and Rules, regulations and by-laws framed thereunder within the jurisdiction of the Gaon Panchayat for purposes mentioned in clause (XVI) of sub-section (2) of section 110 of the Act.

142. *Registration of births and deaths*—(*a*) A Panchayat shall undertake registration of births and deaths and the reporting of epidemic diseases and for that purpose shall comply with all orders of the Public Health Derpartment. the District Board and the State Government.

(*b*) A Gaon Panchayat shall maintain a register of births and deaths in Form D for every village situated in its jurisdiction and the Pradhan and the Secretary of the Gaon Sabha shall be responsible for its correct maintenance.

143. *Reports of births and deaths*—The head of the family or in his absence any other member thereof shall report birth or death occurring in his family within three days of the occurrence at the latest to the Secretary or Pradhan or Up-Pradhan of the Gaon Sabha concerned and the officer receiving the report shall give a receipt of the same to the reporter. Any person who fails without sufficient cause to make a report under this rule shall be punishable by a Nyaya Panchayat with a fine which may extend to rupees five only.

144. *Chowkidar to report birth and death*—It shall be the duty of a chowkidar to report to the Pradhan or in his absence the Up-Pradhan or the Secretary of the Gaon Sabha every birth or death occurring in the area assigned to him by the Gaon Panchayat within two days of the said occurrence.

145. *Discovery and destruction of water hyacinth*—A Gaon Panchayat may, and when required by the residents of the area concerned undertake discovery, removal and destruction of water hyacinth, grass, weed or other wild growth on any land, premises or water as well as construction ot fences and barriers to check its movement, and may recover its cost from the residents of the locality concerned unless the local residents arrange for free labour for the purpose.

145-A. (1) A Gaon Panchayat may undertake the burial of dead animals where the owner thereof fails to do so within six hours of their death.

(2) Where the Gaon Panchayat acts as aforesaid—

(*a*) it may arrange for the skinning of the carcass prior to burial ;

(*b*) the owner of the animal shall pay to it the expenses of the burial as may be specified and within the period to be fixed by the Gaon Panchayat in a written notice to the owner ;

(3) if the owner pays the expenses of burial within the period specified, or within such extended period as the Gaon Panchayat may allow, the sale proceeds of the skin shall be paid to him ;

(4) if the owner fails to pay the expenses of burial, within the period specified or within such extended period as the Gaon Panchayat may allow, the Gaon Panchayat may appropriate the sale proceeds of the skin towards them, provided that where the expenses of burial are in excess of the sale proceed of the skin, such excess shall be recoverable from the owner in the manner provided for the recovery of fines :

Provided also that where the expenses of the burial are less than the sale proceeds of the skin, the excess amount shall be refunded to the owner of dead animal.

Explanation—The word 'skin' used in this rule may include bones, horns, etc. as directed by the Gaon Panchayat.

146. *Power to exercie conservancy and other sanitary measures*—(1) Whenever a Gaon Panchayat undertakes the control and administation of, and to be responsible for the conservancy of its area, it may exercise any of the following powers :

The Gaon Panchayat may—

(*a*) construct public latrines and arrange for the cleaning of public and private latrines ; and charge fee for the use of the public latrines and cleaning private latrines ;

(*b*) require, by notice, the owner or occupier of any building or land to construct private drains therefor ;

(*c*) erect permanent boundary marks around the village-site at a distance of not less than 50 yards from the outermost houses and to prohibit defection, except by infants or sick or infirm persons, at any place within those limits other than a latrine ;

(*d*) prohibit dyeing or tanning of skin within 220 yards of the village-site :

Provided that if the dyeing or tanning was practised at the time of establishment of the Gaon Panchayat, it shall not be prohibited unless the prescribed authority for reason to be recorded, otherwise directs ;

(e) subject to the provision of rule 145-A, regulate the disposal of carcasses of animals dyeing within its area ;

(f) regulate or prohibit the establishment of brick-kilns and the making of hay stocks within the village or within 50 yards of the village-site ;

(g) prohibit the keeping of the pigs within the limits of the village-site without proper sites or enclosures to confine them ;

(h) regulate or prohibit, offensive trades [as in section 208 (2) (G) of the U. P. Municipalities Act] being carried out within 220 yards village-site ;

(i) regulate or prohibit deposit or storage of manure, refuse or other offensive matter in manner prejudicial to public health, comfort or convenience.

Note—Digging of compest pits within or near abadi is not prejudical to public Health, comfort or convenience provided that necessary instructions of Public Health Department for making of compest are followed, but such pits should not be within the cone of filteration of drinking water wells.

(2) If any notice under sub-rule (1) requires any act to be done, it shall fix a reasonable time for doing the same.

147. *Power of water supply*—Whenever a Gaon Panchayat undertakes the control and administration of, and to be responsible for, the water supply of its area, it may exercise any of the following powers :

The Gaon Panchayat may—

(*a*) acquire by purchase, gift or otherwise any spring, tank, well, stream or watercourse and provide facilities for obtaining water therefrom ;

(*b*) construct, repair and maintain public springs, tanks and wells and provide for the cleaning thereof and of streams and water courses at suitable intervals ;

(*c*) prohibit during epidemic the use of any watercourse for drinking, for washing domestic utensils, for washing clothes, or for watering cattle ;

(*d*) notify the setting apart of any watercourse for drinking, for washing domestic utensils, for washing clothes and for performing funeral obsequies if and where necessary or for watering cattle and prohibit all are likely to pollute the course so set apart ;

(*e*) prohibit throwing of corpse into streams or watercourses ;

(*f*) disinfect, during the prevalence of epidemics, courses of drinking water supply.

148. *Penalty for disobedience*—Any person who disobeys a general direction or special order issued by the Gaon Panchayat under rule 146 or rule 147 shall, on conviction by the Nyaya Panchayat, be punishable with a fine which may extend to Rs. 10, for the first offence or for any subsequent offence.

149. *Notice for sanitary measures*—(1) The Gaon Panchayat may decide at a meeting to give notice to a person with regard to all or any of the matters specified in section 18 of the Act. After this decision is passed, the notice shall be issued in writing and signed by the Pradhan or any member of the

Gaon Panchayat. It shall be duplicate and it shall be served on the person concerned through the village chowkidar or by any other person deputed by the Gaon Panchayat. The person to whom the notice is tendered shall acknowledge receipt thereof in writing and either sign it or put his thumb-impression on it. In case he refuses to accept the notice or evades service thereof, the facts shall be noted by the serving officer, and the notice retured to the Gaon Panchayat.

(2) *Payment to the village chowkidar for service*—When the Gaon Panchayat employs a village chowkidar to serve notice under this rule, it shall along with the notice tender to the chowkidar a fee of two annas per notice, and such fee shall be charged to the Gaon Fund.

150. *Acknawledgment of notice*—Every person refusing to give an acknowledgment in token of a receipt of a notice issued under the Act or these rules shall be punishable by the Nyaya Panchayat with a fine which may extent to ten rupees.

CHAPTER VIII

Preparation of projects and execution of works

Rules for the preparation of plans and estimates for works in Gaon Panchayat and the execution of works and conditions of sanction.

151. *Works classified*—For the purpose of these rules, works shall be classified as below :

(*a*) A petty work,is a work the cost of which does not exceed Rs. 2,000.

(*b*) A minor work is a work, the cost of which exceeds Rs. 2,000. but does not exceed Rs. 7,500.

(*c*) A major work means a work, above Rs. 7,500 in value.

(*d*) All the above classes of works will be termed as " Ordinary " or "Health " works according to the category under which they come. The term " Health Works " shall include town planning schemes, sewerage and drainage schemes, water-works, slaughter-houses, markets, model lodging houses, houses, hotels, hospitals, dispensaries, series, bathing ghats, latrines and the like and others shall be deemed to be " Ordinary ".

A work which is partly " Ordinary " and partly "Health" may be placed entirely in one or the other class as may seem desirable, but the decision of District Medical Officer of Health as to the proper classification of the work shall be final.

152. *Preparation of plans in estimates*—The plans and estimates for a work may be prepared.

(*a*) in general—

(1) by a servant of the Gaon Panchayat, provided the cost of the work does not exceed Rs. 1,000.

(2) by an authorised technical assistant, by a subordinate of the Engineering Department of the District Board with the permission of its President or by a qualified overseer, or a technical qualified private practitioner approved by the prescribed authority, where the cost of the work exceeds Rs. 1,000 but does not exceed Rs. 7,500.

(*b*) in the case of major works, by the Public Works Department or the Chief Engineer, Local Self-Government Engineering Department, if the work is Health Work, or a consulting Engineer of proper standing approved by the Government.

153. *Procedure of preparation and forecast of cost*—(*a*) The Gaon Panchayat may get the plans and estimates of a petty and minor work prepared by any of the agencies under rule 152 (*a*).

(*b*) In the case of major works the prescribed authority shall forward a forecast of cost obtained from District Board or a private agency, and if such is not available, then from the Public Works Department or if the work be a "Health Work", from the Chief Engineer, Local Self-Government Engineering Department, to the Gaon Panchayat for consideration. If the Gaon Panchayat accepts it, the prescribed authority shall call for a final project from any of the agencies mentioned above.

154. *Approval of plans and estimates of petty works*—The plans and estimates of a petty work, the cost of which does not exceed Rs. 500 may be finally approved and sanctioned by the Gaon Panchayat istself, such approval or sanction being formally recorded in the proceedings of the Gaon Panchayat.

(*b*) The plans and estimates of works, the cost of which exceeds Rs. 500 shall, in the first instance, be approved by the Gaon Panchayat by a formal resolution and thereafter submitted to the prescribed authority for sanction.

155. *Projects financed by loan and grants*—(*a*) The plans and estimates of a petty or a minor Health Work, after being approved by the Gaon Panchayat by a formal resolution, shall be forwarded to the prescribed authority for approval.

(*b*) In the case of major works it is necessary to have a forecast of cost prepared in the first instance and submitted to the State Health Board through the prescribed authority with Gaon Panchayat's proposals for a grant of loan, in order to ascertain if the required assistance would be forthcoming. After the approval of the State Health Board has been obtained to the forecast of cost, the final or detailed project shall be submitted to the State Health Board through proper channel for administrative sanction and allotment of funds.

156. *Sanctions of projects and provision of funds absolutely necessary*—The work shall not commence until.

(1) the project and the plans and estimates have been sanctioned in accordane with these rules; and

(2) provision of funds has been made in the budget and passed by the Gaon Sabha.

157. *Petty works executed by Gaon Panchayats*—(*a*) All works costing not more than Rs. 500, may be executed by the Gaon Panchayat itself or by any of the agencies mentioned in rule 152 (*a*), either by daily labour or payment.

(*b*) *By approved agencies*—All works above Rs. 500 shall be executed and measured, subject to the provisions of rule 152 by the agency approved by the prescribed authority which shall pass the measurements for payment.

(*c*) *By Public Works Department*—If a major work is entrusted to the Public Works Department, or the Chief Engineer, Local Self-Government, Engineering Department, the work shall be executed, measured and paid for by the department concerned.

158. *District Board Authorities*—(*a*) All petty, minor and major works executed by the Gaon Panchayat is laid down in rule 157 (*a*), (*b*) and (*c*) shall be opened to inspection by the President of the District Board and its members and officers authorized by him and other officials empowered by Government.

(*b*) In the case of works which are holly or partly assisted by the State Government or the State Health Board, it shall be open to the Chief Engineer, Local Self-Government Engineering Department, or his staff to inspect such works.

159. *Renewed sanction after three years for unexecuted works*—Each administrative sanction shall hold good for only three years from its date. If Gaon Panchayat desires to execute the work after the sanction has expired, it shall apply for renewed sanction.

160. *Fees for projects for Health works etc.*—(*a*) No fees shall be charged for a forecast.

(*b*) The fees payable for a preliminary project shall be 1/4 per cent. of the total estimated cost, subject to a minimum charge Rs. 25, in the case of a simple tube-well project and Rs. 50, in the case of other "Health" project. If a final project is subsequently prepared, the fee paid for the preliminary project shall be deducted from the fee payable for the final project.

(*c*) The fee payable for a final project shall be calculated in accordance with the following sacle :—

Estimated cost	When no surveying or levelling is done	When surveying or levelling is done
Upto Rs. 20,000	One per cent. ...	Two per cent.
Above Rs. 20,000	Half per cent. ...	One per cent.

Provided that when a survey or record of levells already in existence can be utilized in the preparation of projects, but further surveying or levelling if found necessary, the Chief Engineer, Local Self-Government Engineering Department, shall certify that the existing survey or record of levels is partly useful and my reduce the fee in proportion to the extent by which the cost of surveying or levelling is reduced by the use of the existing survey or record of levels.

(*d*) When a preliminary or final project is revised, no fee shall be charged for such revision, if merely the cost of the estimate is revised in accordance with changed rates or prices, nor if the estimate is reduced shall any refund be made of any portion of the fee already paid. But when the project itself is modified, the Chief Engineer, Local Self-Government, Engineering Department, shall fix the fee payable for such modification.

(*e*) The fee payable for the construction of "Health" works shall be calculated in accordance with the following scale :

Drainage works upto Rs. 20,000 ...	5	per cent. of the actual cost.
Drainage works over Rs. 20,000 but not exceeding Rs. 50,000.	4	Ditto.
Drainage works over Rs. 50,000 ...	3	Ditto.
Electric Supply works	6	Ditto.
Water supply works other than tube-wells ...	6	Ditto.
Tube-wells entirely contructed by a contractor under lump sum contract.	6	Ditto.
Other Tube-wells	5	Ditto.
Other Health works upto Ks. 20,000 ...	5	Ditto.
Other Health works over Rs. 20,000 ...	4	Ditto.

161. *Fees for projects for 'Ordinary' works by Public Works Department*—The scale of the fees for preliminary of final projects and for construction of ordinary works by Pnblic Works Department shall be as follows:

		Per cent.
(*a*)	For the preparation of detailed plans and estimates ...	2
(*b*)	For the supervision of works	2
(*c*)	For the execution of work including supervision ...	7

162. *Quarterly reports of progress in prescribed form to Chief Engineer, Local Self-Government, Engineering Department*—A Gaon Panchayat which has received from the State Government, direct or through the State Health Board, a grant or loan for a water works or other health works estimated to cost Rs. 3,000 or more shall submit to the Chief Engineer, Local Self-Government, Engineering Department, through the District Officer, a report of the progress of the work in the form appended to these rules for each quarter of the financial year until the work is completed. The Gaon Panchayat shall submit the report on the 10th day of the month following the end of the quarter.

163. *Progress report to District Officers*—In the case of water works or health works estimated to cost less than Rs. 3,000 for which a grant or loan has been received, the Gaon Panchayat shall submit a report to District Officer annually in the form mentioned in rule 162 until the completion of the work. The report shall be submitted not later than April 15 in each year, and before May 1 in each year to the District Officer concerned who shall submit to the Chief Engineer, Locol Self-Government, Engineering Department, a statement showing the amount of grant sanctioned, the amount spent during the year, the unspent balance, if any, of the grant at the end of the year, the reason of delay if the work has not been taken in hand or completed and a certificate to the effect that the amount has been properly utilized.

164. On the completion of water works or health works for which a grant or loan of Rs. 3,000 or over has been received, the Gaon Panchayat shall, within three months, report the completion of the work to the Chief Engineer, Local Self-Government, Engineering Department, and shall further, within six months, submit a completion certificate in the form appended to these rules. In the case of works costing less than Rs. 3,000, these reports and certificate should be submitted to the District Officer.

FORM REFERRED TO IN RULE 162.

Progress report of aided works, carried out by agency of..for the quarter ending..

1. Name of Gaon Panchayat..

2. Name of work..

3. Amount of estimate Rs..

4. Description..

5. Sanctioning resolution of Gaon Panchayat No.. and date..

6. Sanctioning resolution of the Board of Public Health………… ……

(Agency employed to be specified).

No.……………………………………………………date………………………………

7. Allotment from State funds.

(a) Grant Rs.………………………………

(b) Loan Rs………………………………

8. Expenditure to the end of previous quarter ending……………………………………………Rs.…………………………………

9. Expenditure during the quarter ending……………………………………

10. Expenditure to date Rs………………………………………………

11. Expenditure as per programme Rs……………………………………

12. Unspent balance, if any, Rs………………………………………………

13. State of work………………………………………………………………

14. Date of commencement of work……………………………………………

15. Date of completion according to the programme……………………………………………………………………………………………

16. Date of actual completion of work………

17. Remarks (reasons for delay etc.)……

Register No. of project…………………………………………………………

(To be filled in the Chief Engineer's Office)

Form for certificates of completion of work referred to in rule 163.

FORM NO………………

Chief Engineer Local Self-Government, Engineering Department.

Form of completion certificate.

1. Name of Gaon Panchayat…………………………………………………………
2. District………………………………………………………………
3. Name of work……………………………………………………………
4. Sanctioning resolution of Gaon Panchayat No………………………… date…………………………………
5. Sanctioning resolution of the Board of Public Health No.………………………date……………………
6. Sanctioned amount Rs………………………………
7. Actual expenditure Rs.………………………………
8. Unspent balance, if any, Rs………………………

We hereby certify that the work described above was completed on the……………………………………day of…………………………19………… and that there has been no material deviation from the sanctioned plans and specifications other than those sanctioned by competent authority.

Secretary,
Gaon Panchayat.

President,
Gaon Panchayat.

Dated……………………………………………………*Dated*…………………………

No.…………………… No.…………………

Submitted to the Chief Engineer, Local Self-Government, Engineering Department, Uttar Pradesh, for information.

………………
District Officer,
………………

Dated………………………………

………………
President,
Gaon Panchayat…………

CHAPTER IX

Appointment etc. of Servants

165. *Officers and servants, their salaries, allowances and duties*—(1) Every Gaon Panchayat shall maintain a list of officers and other servants except the Secretary on its establishment, together with the salaries and allowances payable to their holders, as also the names of persons holding these posts, and salaries and allowances which are being drawn by them.

(2) Subject to the provision in the budget, the Gaon Panchayat may, from time to time, by resolution, create new post(s) or abolish any existing post(s) and determine the salary and allowances to be paid to holders of newly created post(s).

(3) The Gaon Panchayat may, from time to time, determine the duties to be assigned to the various posts on its establishment.

(4) The Gaon Panchayat may, on a post falling vacant or a new post being created, make appointment to fill it as it thinks fit :

Provided that no person who is below the age of 21 years or above the age of 45 years at the time of appointment, or who is not domiciled in the Uttar Pradesh or who or whose relation is a member of the Gaon Panchayat or Nyaya Panchayat exercising jurisdiction in the Gaon Sabha concerned with the appointment, shall be appointed to any post other than a post of menial servant.

(5) A copy of resolution passed by the Gaon Panchayat under sub-rule (4) shall be sent to the prescribed authority for information.

Explanation.—The word "relation" in the proviso means father, grandfather, father-in-law, maternal or paternal uncle, son, grandson, son-in-law, brother, nephew, first cousin brother-in law, sister's husband, wife, wife's brother, son or nephew.

166. *Deleted.*

167. *Deleted.*

168. *Appointment of Panchayat Secretary*—The State Government may, by a general or special order, direct that only one Secretary may be appointed for one or more Gaon Panchayats on a scale of pay and other conditions to be fixed by the Government.

(2) The prescribed authority shall have power to transfer, suspend, remove, dismiss or to take other disciplinary action against the Secretary who shall be subject to the provisions contained in Schedule V in respect of punishment and appeals.

168-A. *Reservation for Scheduled Caste candidates*—(1) The interest of the backward classes shall, in general, be kept in view while making appointment.

(2) There shall be a general reservation of 18 per cent. of the vacancies for members of Scheduled Castes in making appointments to services and posts in connection with the administration of Gaon Panchayat :

> Provided that if in any one year, candidates of Scheduled Castes fail to be recruited to any service or post in connection with the administration of Gaon Panchayat to the extent of 18 per cent., the deficiency shall be made good in the recruitment to the service or post concerned in the following year :
>
> Provided further that the reservation on account of the deficiency shall not be carried forward for more than one year.

169. *Duties of Secretary*—It shall be the duty of the Secretary—

(1) to comply with and see that all provisions of the Act and rules and by-laws made thereunder and all orders issued or authorised by the State Government or the prescribed authority are complied with by the Gaon Panchayat and Nyaya Panchayat, and shall bring to their notice any irregularity or omission on their part ;

(2) to carry out orders of the Gaon Panchayat, and the Pradhan or Up-Pradhan, passed by or under the Act, and to perform any other duties and to exercise any other powers assigned to or conferred on him by or under the Act or any other law ; and

(3) to exercise the supervision and control of servants of Gaon Panchayat.

170. *Qualifications of Staff*—The Panchayat Secretary and other staff required for the Gaon Panchayat or the Nyaya Panchayat shall possess such educational qualification and fulfil such conditions as may be prescribed by Government :

> Provided that preference shall be given to experienced hands.

171. The punishment and the right of appeal of servants of Gaon Panchayat including Secretary shall be regulated by the provisions in Schedule V of these rules.

172. *Deleted.*

173. The order of the Secretary passed in exercise of the powers delegated to him under section 25 (3) shall be appealable to the Gaon Panchayat within 15 days of the date when the order concerned is communicated to the servant.

174. *Determination of period of office of a servant*—The period of office of a servant of the Gaon Panchayat and the Nyaya Panchayat shall not be determined until—

(*a*) his resignation has been accepted in writing by the authority competent to appoint his successor ; or (*b*) he has given such authority at least one month's notice ; or

(*c*) he has paid or assigned to the Gaon Panchayat, a sum equal to one month's pay ; or

(*d*) he has been given by the authority competent to appoint his successor not less than one month's pay in lieu of notice.

175. *Leave and officiating arrangement*—The grant of leave to servants of the Gaon Panchayat and Nyaya Panchayat and the amount of remuneration to be paid to the person, if any, appointed to act for them whilst on leave shall be regulated by the rules governing non-gazetted government servants :

> Provided that the casual leave to servants other than the Secretary shall be granted by the Secretary if authorised by the competent authority in this behalf, and casual leave to the Secretary shall be granted by the prescribed authority, while privilege and other leave to all servants of the Gaon Panchayat or Nyaya Panchayat shall be granted by the prescribed authority.

176. *Retention and retirement of employees*—(1) No employee shall be retained in the service of the Goan Panchayat after he attains the age of 55 and no extension of service for more than one year at a time shall be allowed in case of any employee who has completed his 55th year.

(2) On or before September 1, in each year, a list shall be prepared in the appended form of all employees in the service of the Gaon Panchayat whose age on April 1 next following will exceed 55 years.

(3) The list shall be considered by the Gaon Panchayat a meeting or in the case of employees whose appointment is in the hands of another authority, by such authority and definite orders shall be passed by the Gaon Panchayat or such aforesaid authority as to the retention or retirement of every employee mentioned therein.

List of employees whose age during the financial year will exceed 55 years.

No.	Name of Officer	Designation	Salary	Age on March 31, next.	Length of service on March 31, next	Remark and recommendation as to retention by the submitting authority on retirement
1	2	3	4	5	6	7
				Y.M.D.	Y.M.D.	

177. *Provident Fund*—If the system of Provident Fund is adopted by any Gaon Panchayat, it shall follow rules and regulations framed in this behalf for the guidance of District Boards, subject to such modification as may be made by the prescribed authority.

168. *Appointment of Panchayat Secretary*—The State Government may, by a general or special order, direct that only one Secretary may be appointed for one or more Gaon Panchayats on a scale of pay and other conditions to be fixed by the Government.

(2) The prescribed authority shall have power to transfer, suspend, remove, dismiss or to take other disciplinary action against the Secretary who shall be subject to the provisions contained in Schedule V in respect of punishment and appeals.

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(2) There shall be a general reservation of 18 per cent. of the vacancies for members of Scheduled Castes in making appointments to services and posts in connection with the administration of Gaon Panchayat :

Provided that if in any one year, candidates of Scheduled Castes fail to be recruited to any service or post in connection with the administration of Gaon Panchayat to the extent of 18 per cent., the deficiency shall be made good in the recruitment to the service or post concerned in the following year :

Provided further that the reservation on account of the deficiency shall not be carried forward for more than one year.

169. *Duties of Secretary*—It shall be the duty of the Secretary—

(1) to comply with and see that all provisions of the Act and rules and by-laws made thereunder and all orders issued or authorised by the State Government or the prescribed authority are complied with by the Gaon Panchayat and Nyaya Panchayat, and shall bring to their notice any irregularity or omission on their part ;

(2) to carry out orders of the Gaon Panchayat, and the Pradhan or Up-Pradhan, passed by or under the Act, and to perform any other duties and to exercise any other powers assigned to or conferred on him by or under the Act or any other law ; and

(3) to exercise the supervision and control of servants of Gaon Panchayat.

170. *Qualifications of Staff*—The Panchayat Secretary and other staff required for the Gaon Panchayat or the Nyaya Panchayat shall possess such educational qualification and fulfil such conditions as may be prescribed by Government :

Provided that preference shall be given to experienced hands.

171. The punishment and the right of appeal of servants of Gaon Panchayat including Secretary shall be regulated by the provisions in Schedule V of these rules.

172. *Deleted.*

173. The order of the Secretary passed in exercise of the powers delegated to him under section 25 (3) shall be appealable to the Gaon Panchayat within 15 days of the date when the order concerned is communicated to the servant.

174. *Determination of period of office of a servant*—The period of office of a servant of the Gaon Panchayat and the Nyaya Panchayat shall not be determined until—

(*a*) his resignation has been accepted in writing by the authority competent to appoint his successor ; or (*b*) he has given such authority at least one month's notice ; or

(*c*) he has paid or assigned to the Gaon Panchayat, a sum equal to one month's pay ; or

(*d*) he has been given by the authority competent to appoint his successor not less than one month's pay in lieu of notice.

175. *Leave and officiating arrangement*—The grant of leave to servants of the Gaon Panchayat and Nyaya Panchayat and the amount of remuneration to be paid to the person, if any, appointed to act for them whilst on leave shall be regulated by the rules governing non-gazetted government servants :

> Provided that the casual leave to servants other than the Secretary shall be granted by the Secretary if authorised by the competent authority in this behalf, and casual leave to the Secretary shall be granted by the prescribed authority, while privilege and other leave to all servants of the Gaon Panchayat or Nyaya Panchayat shall be granted by the prescribed authority.

176. *Retention and retirement of employees*—(1) No employee shall be retained in the service of the Goan Panchayat after he attains the age of 55 and no extension of service for more than one year at a time shall be allowed in case of any employee who has completed his 55th year.

(2) On or before September 1, in each year, a list shall be prepared in the appended form of all employees in the service of the Gaon Panchayat whose age on April 1 next following will exceed 55 years.

(3) The list shall be considered by the Gaon Panchayat a meeting or in the case of employees whose appointment is in the hands of another authority, by such authority and definite orders shall be passed by the Gaon Panchayat or such aforesaid authority as to the retention or retirement of every employee mentioned therein.

List of employees whose age during the financial year will exceed 55 years.

No.	Name of Officer	Designation	Salary	Age on March 31, next.	Length of service on March 31, next	Remark and recommendation as to retention by the submitting authority on retirement
1	2	3	4	5	6	7
				Y.M.D.	Y.M.D.	

177. *Provident Fund*—If the system of Provident Fund is adopted by any Gaon Panchayat, it shall follow rules and regulations framed in this behalf for the guidance of District Boards, subject to such modification as may be made by the prescribed authority.

CHAPTER X

Note—This chapter shall *mutatis mutandis* apply to Nyaya Panchayats as well.

The Custody and administration of the Gaon Fund

178. *Maintenance of Gaon Fund and its transaction*—(1) The administration of the Gaon Fund shall be in the hands of the Gaon Panchayat subject to the general control of the prescribed authority.

(2) All money transactions to which any member of the Gaon Panchayat or Nyaya Panchayat or any officer or servant of the Gaon Panchayat in his official capacity is a party, shall without any reservation be brought to account and all the money shall be credited in full to the Gaon Fund with the exception of authorised advances.

(3) Money due to the Gaon Panchayat shall be collected either by payment at the Panchayat Office or by out-door collections, or by both methods, as the prescribed authority may direct. Receipts for all moneys received shall be issued by the persons authorised to receive the money.

(4) Accounts of all income and expenditure of the Gaon Fund shall be maintained by the Pradhan in Form No. 6 and by the Sarpanch in Form No. 6 A. The account shall be closed and balanced at the end of every month and shall be examined and passed by the Gaon Panchayat at a meeting in the next following month.

179. *Case balance*—(1) Except as provided in rule 193 the cash balance of the Gaon Fund shall be kept in the State treasury or after the approval of the prescribed authority, in Savings Bank Account of the nearest Post Office or a neighbouring co-operative bank.

(2) The money shall be deposited into and withdrawn from the personal ledger accounts in the manner specified by the Stae Government, by a general or special order.

180. *Sanction to expenditure from Goan Fund*—The Goan Panchayat may sanction expenditure out of the provision made in the Annual Estimate of Income and Expenditure up to the amount actually in hand for any legitimate purpose.

181. *Requisition for withdrawal*—Money shall not be paid from the Gaon Fund, except on a requisition for withdrawal signed by the Pradhan or such other officer as may be appointed by the Gaon Panchayat in this behalf.

182. *Instructions for maintaining of accounts*—In matters of details connected with the accounts, Gaon Panchayats and Nyaya Panchayats shall be guided generally by the instructions of the Director of Panchayats, the Chief Audit Officer to Government, Co-operative Societies and Panchayats, Uttar Pradesh, and the Deputy Chief Audit Officer (Panchayats), Panchayat Audit Organisation, Uttar Pradesh.

183. *Persons debarred from collection or book-keeping*—No person employed in the business of bank or banker with whom the Gaon Fund is deposited shall be requested or permitted to assist in any way in collecting the revenue of a Goan Fund or posting the books of a Goan Fund.

184. *Language of accounts and care of account book*—The figures in accounts and registers shall be written in Hindi. The account books and registers should be strongly bound and pages should be numbered before being brought into use.

18'. *Attestation of corrections*—Corrections and alterations in the accounts shall be neatly made in red ink and attested by the person making the correction or alteration. Alterations and corrections in a voucher shall be authenticated by the payee and in the cash-book by the Pradhan or such other officer as may be appointed by the prescrib-d authority in this behalf. Erasures and over-writing shall on no account be permitted in registers, statements, cheques, vouchers, or accounts of any description.

186. *Audit*—The audit of the accounts of every Gaon Panchayat and every Nyaya Panchayat shall be arranged for by the prescribed authority under orders of the Chief Audit Officer to Government, Co-operative Societies and Panchayats, Uttar Pradesh at such intervals and in such manner as the State Government may direct.

187. *Steps for disposals of audit note*—After each audit of the accounts by the Chief Audit Officer to Government, Co-operative Societies and Panchayats, Uttar Pradesh, the Pradhan shall deal promptly with the objection statement, which is appended to the audit note. The Pradhan shall also, within a month after the receipt of the note, convene a special meeting of the Gaon Panchayat to consider the objections made by the Auditor and to decide upon the action to be taken in regard thereto. The action so taken shall be indicated on an inter-leaved copy or on the margin of the audit note. An annotated copy shall be sent to the prescribed authority, as promptly as possible and in any case within three months of the date of receipt of the notice another annotated copy shall be kept and produced for the information of the inspecting officers at the next visit.

188. *Treatment of embezzlement*—(1) Whenever an embezzlement of money belonging to the Gaon Fund is discovered by the Pradhan or any other official, the fact of embezzlement shall be immediately reported by him to the prescribed authority who will then inform the District Magistrate the Director of Panchayats and the Chief Audit Officer to Government, Co-operative Societies and Panchayats, Uttar Pradesh.

(2) The prescribed authority on receiving the report under sub-rule (1) shall forthwith institute an inquiry into the embezzlement.

189. *Pay bills of establishment*—(1) A pay bill of the establishment shall be prepared from the establishment list of permanent staff referred to in Form No. 16, with full details of names and shall show separately in column 3, the salary and leave allowance claimed for each person for the month, whether actually drawn or not, and in column 4, any amount not drawn but held over for subsequent payment. Column 5, shall be used to show the amount actually drawn for each incumbent. When salary is drawn for a portion of the month only the rate at which it is drawn and the number of days for which it is claimed shall be stated against the names of the employees in the body of the bill. The pay of temporary establishment shall be billed for separately and the sanction quoted. Arrear pay shall not be drawn in the ordinary monthly bill, but in separate bill with quotation of the bill from which the change was omitted or withheld.

Travelling allowance shall be drawn as a contingent charge.

(2) The bill or a copy of it shall also be used as an acquittance roll, and the receipt of each person shall be taken thereon when the pay is distributed to the staff.

Note—The prescribed authority may allow the Pradhan actual expenses for a journey on the business of the Gaon Panchayats up to the limit of the travelling allowance that would be admissible to a government servant of 2nd class.

190. *Security from employee entrusted with custody of money or property*—(a Every employee entrusted with the expenditure or custody of money or property of the Gaon Fund shall be required to furnish security for an amount to be fixed by the Gaon Panchayat in each instance with due regard to the responsibility of the office.

(*b*) The amount of security shall generally be equal to the maximum amount which the employee may have in his hands at any time, and the Secretary shall see that the amount of cash left in the hands of the employee never exceeds the amount of security taken from him.

(*c*) In the case of every employee affected by this rule a security bond shall be executed in Form No. 2-B or 2-D, appended to Financial Handbook, Volume V, Part I. These bonds and the security deposited by the employee shall be kept in such custody as the District Magistrate may determine and shall be retained until one year has elapsed after the employee has vacated the office.

(*d*) The securities shall be examined and verified by the 1st of April in each year by the Pradhan or in his absence such member of the Gaon Panchayat as is appointed in this behalf by a resolution of the Gaon Panchayat and a certificate to the effect that this has been done shall be given by the verifying officer against each item.

191. *Service books and character rolls*—(1) Service books and character rolls in the prescribed form shall be kept for the permanent employees of a Gaon Panchayat, other than bhisties, lamp-lighters, sweepers and conservancy cart-drivers.

(2) *Annual entries*—At the end of every financial year, the Pradhan and Sarpanch shall make entry regarding the work and character of the servants whose rolls they maintain. They shall also enter therein any remarks of censure, punishment, commendation or reward passed by any competent authority during the course of the year :

Provided that the service-book and character roll of the Secretary shall be maintained by the appointing outhority, who shall, at the end of each year, enter remarks about the work and integrity of the Secretary after consulting the Pradhan and Sarpanch concerned. He may, in special circumstances, record his opinion even without such consultation.

192. *Deleted.*

193. The Pradhan and in his absence the Up-Pradhan or such member of the Gaon Panchayat as is appointed in this behalf by a resolution of the Gaon Panchayat may hold a sum not exceeding Rs. 25 or large sum as the prescribed authority may fix to meet petty and emergent expenses.

194. *Annual acknowledgment*—The Pradhan, Up-Pradhan or member of the Gaon Panchayat holding any amount of Gaon Fund shall, on the 1st of April in each year, sign an acknowledgment that the amount is due from, and to be accounted for by him.

195. *Deleted.*

196. *Payment and adjustment of advance*—In emergent cases, when the amount in hand of the Pradhan is not sufficient for the payment of works carried out by daily labour, purchase of materials, and the like, an amount not exceeding Rs. 100 may be drawn under the sanction of the Gaon Panchayat in the name of the Pradhan. It shall be adjusted before the close of the year in which it is made and no fresh withdrawal shall be made unless the previous one has been adjusted.

197. *Payment of bills, vouchers and claims, etc.*—The bill or other voucher presented as a claim for money shall be received and submitted to the Pradhan or in his absence to such member of the Gaon Panchayat as is appointed in this behalf by a resolution of the Gaon Panchayat and if the claim be valid, the authority good, the signature true and in order, he shall make an order for payment at the foot of the voucher and sign it. Payment order on the salary bills of the establishment shall be passed by the Pradhan.

198. *Payment of claim and receipt therefor*—After the order to pay has been entered in the voucher and passed, the amount shall be withdrawn by the Pradhan from Gaon Fund and paid to the employees.

Each payment shall be supported by the actual payee's receipt.

199. *Maintenance of general cash-book*—On each day in which a transaction takes place, the general cash-book (Form no. 6) shall be closed, balanced and signed by the Pradhan, Up-Pradhan or a member appointed by the Gaon Panchayat in this behalf. At the end of each month, it shall be compared and made to tally with the pass-book, and any difference shall be explained and accounted for in a footnote in the general cash-book. The book shall be laid before the prescribed authority for its inspection at least once in three months, at a place and date fixed by it.

200. *Deleted.*

201. *Maintenance of deposit register*—All deposits made with a Gaon Panchayat, whether in the form of cash, Government paper or other stock or of security bonds, shall be recorded in a deposit register in Form no. 19. A separate page shall be alloted for bonds deposited. In the case of bonds, if property is hypothecated, a brief description of the property shall be given in the remarks column and the heading of column 10 shall be changed to "Name of depositor''. On the 1st of April, all deposits which have not lapsed or been returned shall be carried forward in details of names into the next year's register.

202. *Maintenance and verificatian of stock-book*—A stock-book shall be maintained in Form no. 25 for all stores, e.g., postage stamps, materials for public works, all forms used by the Gaon Panchayat, tools and plants, lamps, lamp-posts, ladders, oil, wicks, chimneys, etc. If any article is disposed of by sale or otherwise the details of the disposal shall also be entered. All entries and their disposal shall be initialled by the Pradhan or in his absence such member of the Gaon Panchayat as is appointed in this behalf by a resolution of the Gaon Panchayat. The stock shall be verified half-yearly by such person as the Pradhan may direct and the fact of verification be recorded.

203. *Office Order Book*—An office order book shall be kept by the Gaon Panchayat in which all appointments, promotions, leave, suspensions, fines, office arrangements and orders generally shall be noted. The Pradhan will be responsible that the order book is kept in a correct and complete manner.

204. *Treatment and maintenance of vouchers*—Vouchers shall be numbered serially for each year and filed in the office of the Gaon Panchayat in a guard file; they shall not be deposited in the misals.

205. *Destruction of vouchers and registers*—The vouchers, registers and other forms prescribed by these rules shall be retained or weeded and destroyed as noted below, after all audit objections relating to the period concerned have been settled:

	Form	*Period of retention*
1.	Budget Estimates	Five years.
2.	Assessment List	Five years.
3.	Demand and Collection Register	Ten years.
4.	Monthly Account	Five Years.
5.	General Cash-book	Permanently.
6.	Remittance Chalans	Three years.
7.	Security Bonds	Five years After they ceased to have effect.
8.	Register of deposits	Permanently.
9.	Stock-book	Three years.
10.	Establishment pay bills	Three years.
11.	Contingent vouchers	Ten years.
12.	Annual Account	Ten years.
13.	Receipts	Three years.
14.	Fine statement	Three years.
15.	Register of Public Work	Permanently.
16.	Indent for Forms	One year.
17.	Muster Rolls	Three years.

206. The District Magistrate shall supply the forms for use by the Gaon Panchayat and the Nyaya Panchayat :

Provided that a Gaon Panchayat or a Nyaya Panchayat may get a form drawn up on a blank paper in its own office if a printed copy thereof is not available except the forms that may be specified by the prescribed authority.

207. *Maintenance of register of Public Works*—The estimate for each work undertaken by the Gaon Panchayat, as soon as it has been sanctioned by the competent sanctioning authority, be entered in a register of public works to be kept in Form no. 21. A separate page in this register shall be given for each work.

208. *Bills for works*—The details of the progress of works shall be entered in the register of public works (Form no. 21) from time to time and when a bill for the works is presented by the contractor it shall first be submited to the officer in charge of the work for counter-signature. This officer shall check the bill and either pay it from his permanent advance or send it to the office of the Gaon Panchayat where it shall be paid direct to the contractor in the usual way.

209. *Details of Completion Certificate*—Before final payment for a work is made, a completion certificate shall be submitted by the Pradhan or in his absence such member as is appointed in this behalf by a resolution of the Gaon Panchayat to the effect from that he has examined the work and is satisfied that it has been properly carried out in accordance with the sanctioned plans and estimates.

If it has not been carried out in accordance with these plans and estimates, an explanation of the difference shall be given.

210. *Muster rolls for daily labour*—In the case of works carried out by daily labour and not by contract the officer in charge of the work shall maintain a muster roll in Form no. 22.

211. *Deleted.*

212. *Lighting under contract and deed thereof*—When the lighting af the Gaon Panchayat is done by contract, the contract deed shall, in addition to any other provisions required by law specify :

(1) the description and quality of the articles whith the contractor is to supply ;

(2) the rates at which they are to be supplied, unless the contract is given for a lumpsum ; and

(3) the hours during which the lamps are to be kept alight.

CHAPTER XI

Finance

Annual estimate of Income and expenditure

213. *Estimates*—Every Gaon Panchayat shall prepare an annual estimate of its income and expenditure in Form C for year commencing from 1st April next following and shall lay it before the kharif meeting of the Gaon Sabha.

214. *Deleted.*

215. *Deleted.*

216. *Income and expenditure of Nyaya Panchayat*—A Nyaya Panchayat shall, two months before the kharif meeting of Gaon Sabha, send to every Gaon Panchayat in its circle an estimate of its income and expenditure for the next financial year through the Panchayat Secretary who may make such changes in it as may be necessary.

217. *Minimum cash balance of Gaon Panchayat*—The Gaon Panchayat shall keep in actual cash balance a sum of not less than one-tenth of its normal annual income. The prescribed authority may, however, be a general or special order, exempt any Gaon Panchayat, where exceptional circumstances exist, from the operation of this rule.

218. *Gaon Panchayat's expenditure under different heads*—The Gaon Panchayat shall care-mark funds out of its annual income for expenditure on education and public health and other heads prescribed by the prescribed authorrty.

218-A. The Pradhan, after the annual estimate of income and expenditure has been laid before the meeting of Gaon Sabha, shall allow such time as is necessary for general discussion, and soon after its close proceed to put to vote various heads expenditure separately. Voting shall be by show of hands. The expenditure under every head shall be deemed to have been approved if passed by majority of votes of those present and voting.

219. (1) In case the Gaon Sabha refers back to the Gaon Panchayat the annual estimate submitted to it for reconsideration under sub-section (2) of section 41, of the Act, the Sabha shall communicate its directions or resolution to the Gaon Panchayat through the Pradhan.

(2) After the annual estimate of income and expenditure has been laid before the meeting of the Gaon Sabha under sub-section (1) or sub-section (3) of section 41 *ibid* as the case may be, the Pradhan shall

allow such time as is necessary for general discussion. After the discussion has concluded the Pradhan shall put to vote various heads of expenditure separately. Voting shall be by show of hands of expenditure under every head shall be deemed to have been approved if passed by majority of those present and voting.

(3) If a Gaon Panchayat does not lay the annual estimate of income and expenditure before the Gaon Sabha by 30th November, or the Gaon Sabha does not pass the same by 31st December, the prescribed authority shall prepare an annual estimate of income and expenditure under sub-section (4) of section 41 *ibid.* In case the Gaon Sabha fails to pass the annual estimate of income and expenditure so prepared by the prescribed authority in the manner laid down in sub-rule (2), it shall be deemed to have been passed on 1st February within the meaning of sub-section (4) of section 41 *ibid.*

(4) The Gaon Sabha may, at any time after the annual estimte takes effect, make any modifications or changes therein at a special meeting by a resolution in this behalf. The Pradhan shall foward a copy of the resolution to the prescribed authority and shall make the modifications and changes in the annual estimate.

220. (1) If the Gaon Panchayat proposes to impose any new tax, rate or fee or to enhance within the limits presribed the rate of any tax, rate or fee already imposed under section 37 of the Act, it shall give public notice of the proposal by affixing a notice containing a copy of its resolution at its notice board and also at such conspicuous places, if any, in the area of the Gaon Sabha as it thinks fit. The notice shall also state that objections may be filed before the Secretary of the Gaon Panchayat by a date to be specified in the notice, which shall be a date not earlier than 15 days from the date of notice. The Gaon Panchayat shall also get the purport of the resolution and date fixed for filing objections proclaimed in the area of the Sabha by beat of drum. The objections received shall be considered at a meeting of the Gaon Panchayat to be held for the purpose. If the Gaon Panchayat decides to impose the tax, rate or fee or to enhance the rate of any tax, rate or fee already levied, it shall lay the proposal before the Gaon Sabha with the objections received for its decision. If the proposal is approved by the Gaon Sabha either with or without any modification, the Pradhan shall submit the proposal to the prescribed authority for approval :

Provided that the rate of tax on houses and buildings shall not exceed 5 per cent. of their rental value.

(2) The prescribed authority may return the proposal for further consideration or approve it with or without modification. The notice of the proposal as finalized by the prescribed authority and of the date fixed under sub-rule (3) shall be given in the manner, as may be specified in sub-rule (1)

(3) The proposal as approved by the prescribed authority imposing or enhancing tax, rate or fee shall come into force from such date as shall be fixed by the prescribed authority.

220-A. The Gaon Panchayat shall realize its taxes, rates or fees either through one of its members or through a tax collector, appointed either on monthly salary or on commission basis as the prescribed authority may decide. Such member or tax collector shall be required to furnish such security for the duties as may be fixed by the prescribed authority.

221. (1) Fees under (*e*) and (*f*) of sub-section (1) of section 37 of the Act shall be levied at such rates as may be fixed by the prescribed authority.

(2) Where a Gaon Sabha levies a tax under clause (*d*) or a fee under clause (*e*) of sub-section (1) of section 37 of the Act the Gaon Panchayat may issue licence or badges or both to owners of animals and vehicles, as the case may be, and to persons exposing goods for sale in markets, haats or melas belonging to or under the control of the Gaon Sabha. The cost of the badge issued shall be paid by such owners or persons.

222. *Application, for licence and recovery of fees*—Every owner liable to payment of tax under clause (*d*) and every person liable to payment of fee under clause (*e*) of sub-section (1) of section 87 of the Act, shall, within fifteen days of his so becoming liable or in the case of expiry of the period of licence already taken from the date of such expiry, apply for a licence or renewal of the licence, as the case may be, stating the period for which the licence or renewed licence is required. The tax or fee payable shall be paid along with the application, but failing that the Secretary shall cause a bill to be prepared and presented to the applicant and get the amount collected in accordance with this Act and the rules.

(2) The period in respect of which a licence may be issued under sub-rule (1) shall be one year commencing for the first of April or a half-year commencing from the said day or the first day of October and the tax or fee payable shall be charged for the whole year or half-year as the case may be.

223. *Production, transfer and return of licence or badge*—(1) Each person who holds a licence or a badge under the preceding rule shall—

(*a*) while plying his animal or vehicle on hire or exposing goods for sale, as the case may be, keep his licence or badge or both, as the case may be, with him ;

(*b*) not transfer his badge to any other person ;

(*c*) produce his licence and badge for inspection whenever required to do so by the Pradhan, Secretary or such member of the Gaon Panchayat or such officer or servant of the Gaon Panchayat as may be duly authorised in that behalf.

(2) Any breach of any of the provisions of rules 221, 222 and 223 shall be punishable by a Nyaya Panchayat with a fine which may extend to Rs. 10 and if the breach is a continuing one with a further fine of Re. 1 for every day after the date of the first conviction.

224. *Mode of assessment of tax fee and rate*—(1) Where a tax, rate or fee has been imposed under sub-section (1) of section 37 of the Act except clauses (*d*), (*e*), (*f*) and (*g*) thereof, the Gaon Panchayat shall, as soon as may be after commencement of each calendar year, prepare a list of the assessees in Form No 14 showing the amount of tax payable by each assessee. The list shall be published in the area of the Gaon Sabha by announcing by beat of drum that the list is ready and by affixing a copy at the office of the Gaon Panchayat. The list shall be open to inspection free of charge to any person affected or likely to be affected by it who desires to see it.

(2) For the purpose of assessing the tax, rate or fee, the land revenue or rent of land, income or profits in the preceding agricultural or calendar year, whichever may appear more suitable, shall be the basis.

(3) The Gaon Panchayat shall consider any objection against the tax assessed or rate or fee levied that may be lodged within 15 days from the date of publication of the list under sub-rule (1).

(4) The Gaon Panchayat shall after making such amendment, if any, in the asssesment list as may be necessary having regard to its decisions on the

objections, place the list at a meeting of Gaon Sabha, which may discuss and consider the objections and the decision of the Gaon Panchayat in respect thereof and may make such amendments in the list as it may deem proper.

(5) The Pradhan shall send the assessment list as approved by the Gaon Sabha to the prescribed authority which may approve it without any modification or with such modifications as it may think fit.

(6) The assessment list as approved by the prescribed authority under sub-rule (5) shall be republished in the manner laid down in sub-rule (1) and shall, subject to the provisions of rule 225, be final and shall come into operation on and from the first day of July of the year in question.

225. *Appeal against assessment*—Any person dissatisfied with the levy of a tax, rate or fee by the Gaon Sabha may appeal to the prescribed authority within thirty days from the date of the publication of the assessment list under rule 224 (6). The list shall, if necessary, be amended in accordance with the decision on appeal and any tax, rate or fee already recorded in contravention of the decision on the appeal shall be refunded to the appellant.

226. The Gaon Sabha may at any time add in the assessment list published under sub-rule (5) of rule 224 the name of any person who was, left out from assessment or who subsequently becomes liable to assessment and the provisions of rules 224 and 225 shall, as far as may be, apply to such assessment.

227. *Register of tax*—The Gaon Panchayat shall maintain a demand and collection register in Form No. 15.

228. (1) Where a Gaon Panchayat passes a resolution or the prescribed authority makes an authorization under section 37-B of the Act, the Gaon Panchayat shall forward a list of defaulters to the Tehsildar of the Tahsil in which the area of the Gaon Sabha lies with a view to realization of unpaid taxes, rates and fees as arrears of land revenue.

(2) The Gaon Panchayat shall thereafter send a half-yearly list of defaulters after taking into account the payments and recoveries made during the preceding half year.

229. *Writing off of taxes*—The Gaon Panchayat may write off irrrecoverble sums not exceeding five rupees with the approval of the prescribed authority.

230. *Liability of Government or District Board property to be taxed*—No assessment shall be imposed on any house, building or land belonging to the Government or the District Board which is not used for residential purposes, but the Government or the District Board, if the District Magistrate so directs in any case, be liable to pay to the Gaon Panchayat, in lieu of the assessment, such sum as he may, from time to time, determine to be fair and reasonable.

231. *Owner's or occupier's liability to a tax*—Where an assessment is imposed on a house, building or land belonging to Government or the District Board which is used for residential purposes, it shall be payable by the owner or occupier as the Government or the District Board may decide.

232. Every person ceasing to carry on any trade, calling or profession within the area of the Goan Sabha, shall, within thirty days of the ceasing, give an intimation of the fact in wiriting to the Pradhan or Secretary of the Gaon Panchayat.

233. *Intimation of change or transfer of trade*—Every person liable to pay the tax, rate or fee who has changed either the designation of his trade or

calling or his place of business or has transferred his business shall, within thirty days of the change or transfer, give written intimation of the fact.

234. *Deleted.*

CHAPTER XII

Establishment of Schools, Libraries and Dispensaries

235. *Primary Schools*—Establishment, maintenance and management of primary schools shall be governed *mutatis mutandis* by the rules framed by the Government for the District Board in this behalf except rules regarding standard building:

Provided that the entire cost of existing District Board aided primary schools shall as hitherto, be borne by the District Boards.

236. *Library, Reading-room or Dispensary*—(*a*) A Gaon Panchayat may, so far as its funds permit, establish and maintain a library, reading-room or a dispensary in its areas and raise funds for the same by donations from the public and may also make contributions from its own funds.

(*b*) The library and reading-room may be attached to a primary school and may be placed in the direct charge of the Headmaster of the schools who may be paid a suitable monthly allowance for performing the duties in that connexion beyond school hours.

237. *Attachment of Dispensaries to Primary School*—Subject to funds available, small dispensaries may be attached to primary schools and may be provided with medical chests on such conditions as may be laid down by the prescribed authority.

238. *Inspection and superintendance*—The members of the Gaon Panchayat and its officers shall inspect and superintendent the schools dispensaries, and libraries and other similar institutions established or maintained by a Gaon Panchayat and it shall be their duty to encourage people to give necessary help to those institutions.

239. A group of two or more neighbouring Gaon Sabhas may on their own or if so ordered by the State Government, combine to establish and maintain a school dispensary, hospital or a bazar or any other institution of joint interest and may appoint a joint committee, consisting of three members to be elected from among the members of the Gaon Panchayats concerned, which shall manage and control such institutions and the entire cost whether recurring or non-recurring shall be borne by each Gaon Sabha concerned in such proportion as may be prescribed.

240. *Village Volunteer Force*—(1) A Gaon Panchayat shall, subject to the previous sanction of the prescribed authority, and after consulting the Gaon Sabha, maintain a village volunteer force on such terms and conditions as may be fixed by the prescribed authority.

(2) *Cost of force*—The cost of the force shall be met from the Gaon Fund, contribution from District Board and donation from the public.

(3) *Eligibility*—All male adults not above the age of 45 shall be eligible to be enrolled as volunteers.

241. The functions of the volunteers force shall be.

(*a*) to perform the duties of a watch and ward in the village;

(*b*) to serve notices and summons and execute other orders of the Gaon Panchayat and Nyaya Panchayat which may be entrusted to them;

(*c*) to assist the Gaon Panchayat in other matters, e.g. relating to Public health, collection of statistics such as cattle census, population census;

(*d*) to assist the Gaon Panchayat in promoting goodwill and social hormony between different communities;

(*e*) to assist the Gaon Panchayat in the matter of relief against famine or other calamity;

(*f*) to assist the Gaon Panchayat in organizing and regulating melas, markets and haats;

(*g*) to perform any other duty or discharge any other function which may be imposed on or assigned to it by the prescribed authority or the Government.

242. *Chief Officer and his duties*—The Gaon Panchayat shall appoint a chief officer in the immediate charge of the volunteer force and any other officer as the State Government determine and in case of an emergency, the said officer may be empowered by the prescribed authority with such restrictions as it may imposed to.

(*a*) remove or order any member of the force to remove, any persons who by their presence interfere with the operation of the force;

(*b*) break into or through or pull down any premises, doing as little damage as possible by himself or with the assistance of the force;

(*c*) call on the nighbouring village volunteer force to render such assistance as may be necessary; and

(*d*) generally, take such measures as may be necessary for the protection of life and property.

243. *Provision for makiug by-laws*—To frame by-laws the Panchayat shall first publish a draft of the by-laws by affixing outside its office and also at such conspicous places in the area of the Gaon Sabha as it may deem fit for objections within a period to be specified.

244. (1) After considering objections if any, and taking decisions thereon, the Gaon Panchayat shall forward them to the prescribed authority who may modify or sanction or pass any other suitable order on them.

(2) In case the prescribed authority does not pass a suitable order under sub-rule (1) within two months of the receipt of the bye-laws the District Panchayat Officer may sanction them with or without modification.

(3) The bye-laws as sanctioned by the prescribed authority under sub-rule (1) or by the District Panchayat Officer under sub-rule (2) shall be published in the manner laid down in rule 243 and shall come into force on such publication.

245. The provisions of rules 243 and 244 shall, as far as may be, apply to the framing of by-laws under section III of the Act.

246. *Channel of Correspondence*—Except when specially provided in any rule, all correspondence of the Goan Panchayat or Nyaya Panchayat with the Government or with the Head of the Department of the district or divisional representative of a department or with any officer subordinate to or under the general control and direction of the District Magistrate, shall pass through the prescribed authority.

247. *Power to borrow money*—A Gaon Sabha shall be entitled to borrow money from the Government or any other Gaon Sabha on such conditions as may be laid down by the State Government.

248. *Deleted.*

249. *Power to compound an offence under the Act or rule or by-law*—An offence under the Act or any rule or by-laws made thereunder, may, on an application made by the party concerned, be compounded by the Pradhan of the Gaon Panchayat on payment of a sum to be determined by him, not exceeding ten rupees and the said amount shall be credited to the Gaon Fund.

250. If any person fails to carry out any direction of the Gaon Panchayat for which written notice has been served on him, the direction shall be got executed by the Gaon Panchayat and the expenditure incurred thereon shall be recovered from the person concerned as arrears of land revenue.

251. A Gaon Panchayat may participate or may make reasonable provision for assisting any Co-operative Society or Joint Stock Company established for development of industry, agriculture including irrigation, commerce and trade within its jurisdiction on terms approved by the prescribed authority.

252. In case of accidental loss of the property belonging to a Gaon Panchayat or a Nyaya Panchayat or any sum becoming irrecoverable, the prescribed authority (on the request of the Gaon Panchayat or Nyaya Panchayat), may after such inquiry as it deems fit, write off a sum not exceeding Rs. 500. In case the value of the property exceeds Rs. 500 prior approval of Government shall be necessary.

253. (1) Where a Gaon Panchayat provides for the fire protection of houses and crops gathered at the threshing-floor, the cost of such protection shall be levied and recovered by the Gaon Panchayat as a fee assessed on every owner or occupier of houses and cultivable land in the village in the manner provided in sub-rule 2 and 3 and at the rate specified in sub-rule (4).

(2) The fee shall be leviable for the year beginning with first April and ending on 31st March. If the levy of fee comes into force on any day other than 1st April, it shall be leviable for the quarter beginning with 1st July, 1st October and 1st January next following and thereafter for the year.

(3) (*a*) The fee shall be primarily recoverable from the owner of the house or land who occupies such house or land.

(*b*) If the house or land is not occupied by the owner, the fee shall be primarily leviable from occupier.

(4) The fee shall be leviable at the maximum rate of annas 8 per house or per cultivator.

254. (1) Where a Gaon Panchayat provides for the watch and ward of the village or the crops therein, the costs of such watch and ward shall be levied and recovered by the Gaon Panchayat as a fee assessed on every owner or occupier of houses or cultivator of land in the village in the manner provided in sub-rule (3) and at the rates specified in sub-rule (4).

(2) The fee shall be leviable for the year beginning with 1st April and ending on 31st March. If the levy of fee comes into force on any day other than 1st April it shall be leviable for the quarter beginning with 1st July, 1st October and 1st January next following and thereafter for the year.

(3) (*a*) The fee shall be primarily recoverable from the owner of the house or land who occupies such house or land.

(*b*) If the house or land is not occupied by the owner the fee shall be primarily leviable from the occupier.

(4) The fee shall be leviable in relation to the house at such rate not exceeding 10 per cent. of the annual letting value subject to a maximum of Rs. 24 per annum.

255. The proceeds from the fee levied under rule 253 or rule 254 shall not form part of the general revenues of the Gaon Sabha and shall be spent over the rendition of the service in consideration of which the fee is levied.

The rate at which the fee is levied shall be such as to yield upon realization of the fees an amount approximating to the expenditure proposed to be incurred in rendering the service.

SCHEDULES

Schedule I

Appointment of prescribed authorities under the various sections of the Panchayat Raj Act and the Panchayat Raj Rules

Column 1	Column 2
Section or rule	Prescribed authority
SECTION	
6—A	Tehsildar, as prescribed authority and S. D. O. as the appellate prescribed authority.
9	District Magistrate.
11(1)	Panchayat Inspector.
12(5)	District Magistrate.
12(8)	District Magistrate.
12—A	District Magistrate.
12—C	S. D. O.
12—D	S. D. O.
12—E	Panchayat Inspector.
12—F	Assistant District Panchayat Officer.
17(*e*)	District Panchayat Officer.
20	District Panchayat Officer.
25(1)	Assistant District Panchayat Officer.
25(3)	Assistant District Panchayat Officer.
25(4)	Assistant District Panchayat Officer.
25(5)	Assistant District Panchayat Officer.
25(6)	District Panchayat Officer.
25A	District Panchayat Officer.
27(1)	District Panchayat Officer.
27(2)	District Magistrate.
30(2)	District Panchayat Officer.
26	D. P. O. up to Rs. 1,000 and the Director/Joint Director above Rs. 1,000 for borrowing money from any other Gaon Sabha, and State Government, for borrowing money from State Government.
37—A(1)	District Panchayat Officer.
37—A(2)	Assistant District Panchayat Officer.
37—B	District Panchayat Officer.
37—C(2)	District Magistrate and S. D. O.
37—C(3)	District Panchayat Officer.
39(1)	Assistant District Panchayat Officer.
41(3)	Assistant District Panchayat Officer.

Column 1	Column 2
Section or rule	Prescribed authority
SECTION	
41(4)	Assistant District Panchayat Officer.
41(5)	District Panchayat Officer.
42	District Magistrate.
43	District Magistrate.
PROVISO	
44	District Magistrate.
47	Assistant District Panchayat Officer.
49(5)	District Panchayat Officer.
50	District Magistrate.
96(1)	Director and Joint Director.
96(2)	Director and Joint Director.
98	District Panchayat Officer.
102	District Panchayat Officer.
103	District Magistrate.
109	Director/Joint Director in case of disputes as to the jurisdiction of Nyaya Panchayat or between two or more Gaon Panchayats.
	State Government in case of dispute between Gaon Panchayats and Town Areas or Municipal Boards or District Boards.
111	Executive Committee of the District Board.
112(1) (*a*) to (*f*)	Executive Committee of the District Board.
112(1)(*g*)	Director and Joint Director.
114	District Magistrate.
RULES	
3—AA	District Panchayat Officer.
33—A	Panchayat Inspector.
33—B(i) (2) and (7)	District Panchayat Officer, and Assistant District Panchayat Officer.
36	Panchayat Inspector.
40	Assistant District Panchayat Officer.
46	Panchayat Inspector.
47—A	Panchayat Inspector.
54	Panchayat Inspector.
55	Panchayat Inspector.
56	Panchayat Inspector.
57	Panchayat Inspector.
58	Panchayat Inspector.

Column 1	Column 2
Section or rule	Prescribed authority
1	2
60	Assistant District Panchayat Officer.
61—A(1)	District Panchayat Officer.
61—A(2)	Director and Joint Director of Panchayats.
62—D	Panchayat Inspector.
68(1)	District Panchayat Officer, and Assistant District Panchayat Officer.
70	District Panchayat Officer, and Assistant District Panchayat Officer.
82	Assistant District Panchayat Officer.
84(4)	Panchayat Inspector.
87	District Panchayat Officer and Assistant District Panchayat Officer.
88	District Panchayat Officer and Assistant District Panchayat Officer.
89	(1) Sub-Divisional Magistrate with regard to criminal cases. (2) Munsif with regard to Civil cases. (3) Sub-Divisional Officer with regard to Revenue cases.
111(*e*)	District Panchayat Officer.
138	Panchayat Inspector.
139	District Panchayat Officer.
141	District Medical Officer of Health.
146	District Medical Officer of Health.
152(*a*)(2)	District Panchayat Officer.
153(*b*)	District Panchayat Officer.
154(*b*)	(1) Panchayat Inspector for works costing more than Rs. 500 but less than Rs 1,000. (2) District Panchayat Officer for works costing more than Rs. 1,000 but less than Rs. 5,000. (3) Director and Joint Director of Panchayats for works costing more than Rs. 5,000.
155	(1) Panchayat Inspector for works costing more than Rs. 500 but less than Rs. 1,000. (2) District Panchayat Officer for works costing more than Rs. 1,000 but less than Rs. 5,000. (3) Director and Joint Director of Panchayats for works costing more than Rs. 5,000.
157(*b*)	District Panchayat Officer.
165(5)	Assistant District Panchayat Officer.
168(2)	District Panchayat Officer.
175	Panchayat Inspector for casual leave and District Panchayat Officer and Assistant District Panchayat Officer for all other kinds of leave.

Column 1	Column 2
Section or rule	Prescribed authority
1	2
177	Director and Joint Director of Panchayats.
178(1)	District Panchayat Officer.
178(3)	District Panchayat Officer.
179(1)	District Panchayat Officer.
185	Panchayat Inspector.
186	Director and Joint Director of Panchayats.
187	District Panchayat Officer and Assistant District Panchayat Officer.
188	District Panchayat Officer and Assistant District Panchayat Officer.
189(note)	District Panchayat Officer and Assistant District Panchayat Officer.
193	District Panchayat Officer.
199	Panchayat Inspector.
206	Director and Joint Director of Panchayats.
217	Assistant District Panchayat Officer.
218	District Panchayat Officer and Assistant District Panchayat Officer.
219(3) and (4).	Assistant District Panchayat Officer.
220	Assistant District Panchayat Officer.
220—A	District Panchayat Officer.
221(1)	Assistant District Panchayat Officer.
224(5)	Assistant District Panchayat Officer.
225	District Panchayat Officer.
228(1)	District Panchayat Officer.
229	Assistant District Panchayat Officer.
237	District Medical Officer of Health and District Inspector of Schools.
240(1)	District Panchayat Officer.
241(g)	District Magistrate.
244	Executive Committee of the District Board.
246	Panchayat Inspector and District Panchayat Officer.
251	(1) District Panchayat Officer for shares up to Rs. 250. (2) Director, Joint Director, Deputy Director and Assistant Director of Panchayats for shares of Rs. 251 and upwards.
252	District Panchayat Officer.

Gaon Panchayat Servants' Conduct Rules

1. In these rules a "Gaon Panchayat Servant" means a person employed by one or more Gaon Panchayats signly or jointly under section

25 of the U. P. Panchayat Raj Act, 1947 (Act XXVI of 1947), but does not include a menial servant.

2. **Gifts.**—A Gaon Panchayat Servant shall not, except with the previous sanction of the prescribed authority directly or indirectly on his own behalf or on behalf of any other person, accept or permit any member of his family to accept, any gift, gratuity or reward.

Note—For the purpose of this rule a gift shall not include a wedding present from a personal friend of a value not exceeding Rs. 51.

3. **Subscriptions.**—A Gaon Panchayat Servant shall not, except with the previous sanction of the prescribed authority ask for, or accept, or in any way participate in the raising of any subscription or other pecuniary assistance in pursuance of any object whatsoever.

4. **Lending and borrowing money.**—A Gaon Panchayat Servant shall not, without the previous sanction of the prescribed authority in writing, lend or borrow money to or from any member or servant of the Panchayat or Adalat or any person residing within the limits of the Panchayati Adalat to which the Gaon Panchayat under which he serves is attached.

5. **Holding or acquiring immovable property.**—(1) A Gaon Panchayat Servant may continue to hold any immovable property actually held by him at the time of his entry into the Gaon Panchayat service and may, thereafter, acquire any immovable property by succession, inheritance or bequest.

(2) Except as provided in clause (1) of this rule, a Gaon Panchayat Servant, shall not save in good faith for the purpose of residence, acquire any immovable property within the limits of the Panchayati Adalat, to which a Gaon Panchayat under which he serves is attached, without the previous sanction of the prescribed authority in writing.

(3) Every servant of Gaon Panchayat, or a candidate for employment under a Gaon Panchayat shall make to the prescribed authority a declaration of all immovable property which may from time to time be held or acquired by him or by his wife or by any member of his family living with, or in any way dependent upon him.

6. **Investment other than those in immovable property.**—A Gaon Panchayat Servant shall not make any investment other than an investment in immovable property permitted by the preceding rule or in banks recognized securities, or Societies, which give him such private interest in matters with which public duties are connected as would embarrass or influence him in the discharge of his duties nor shall he speculate in stocks, shares or other securities.

7. **Private trade or employment.**—A Gaon Panchayat Servant shall not, without the previous sanction of the prescribed authority, engaged in any trade or undertake any employment other than his public duties. This does not include undertaking occasional work of a literary or artistic character or accepting honorary Secretaryship of a club or other duly constituted bodies provided that his public duties do not suffer thereby, but in each case a report should be submitted for the information of the prescribed authority, which may, at his discretion, at any time forbid him to undertake or require him to abandon any employment which in his opinion is undesirable.

8. **Insolvency and habitual indebtedness.**—A Gaon Panchayat Servant shall avoid habitual indebtedness. When a Gaon Panchayat Servant presents an insolvency petition, or when an insolvency petition is presented against him, or when he is adjudged insolvent, or when an order of attachment in respect of a portion of his salary has been received from court, he shall forthwith report the fact to the prescribed authority.

(2) When a Gaon Panchayat Servant is heavily indebted, he shall be liable to dismissal, if a Gaon Panchayat Servant is adjudged insolvent or when one moiety of his salary is frequently being attached for debt or has been continuously so attached for a period exceeding two years or attached for a sum which in ordinary circumstances, cannot be repaid within a period of two years, he shall unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and has not proceeded from extravagant, or dissipated habits, he will be deemed to be heavily indebted.

9. **Official information to be kept confidential.**—Save where required by any law, a Gaon Panchayat Servant shall not, without the previous sanction of the prescribed authority, communicate directly or indirectly to any non-official person or to the press any document or information which has come into his possession in the course of his duties or has been proposed or collected by him in the course of those duties, whether from official sources or otherwise.

10. **Connection with press.**—A Gaon Panchayat Servant may not, without the previous sanction of the prescribed authority, own in whole or in part or conduct or participate in the editing or management of any newspaper or other periodical publications.

Such sanction will be given only in the case of a newspaper or publication mainly devoted to matters not of a political character and may, at any time in the discretion of the prescribed authority be withdrawn.

11. **Political agitations.**—A Gaon Panchayat Servant shall not part in, subscribe in aid of or assist in any way, any political movement in India or relating to Indian affairs.

12. **Elections to a local authority, Gaon Panchayat, Panchayati Adalat or Legislative Bodies.**—(a) A Gaon Panchayat Servant shall not, by canvassing or otherwise, interfere or in any way use his influence in connection with, or stand as a candidate, in any election to a local authority or Gaon Panchayat or a Panchayati Adalat or a Legislative Body, or continue to be an elected member or office-bearer thereof, but may vote in such election, if qualified to do so, in which case he shall avoid giving any indication of the manner in which he proposes to vote or has voted.

Note.—The restriction with regard to the continuance as members of legislative body shall not apply in the case of persons who on or before the date of final publication of these rules were already members of such body for so long as they continue to be such members

13. **Direct approach to the Members of Government.**—A Gaon Panchayat Servant shall not approach members of Government,

Parliamentary Secretaries, members of the Legislative or Secretariat Officers on any question, personal or general, relating to service matters except through the Pradhan of the Gaon Panchayat concerned, nor seek interview with members of Government or Parliamentary Secretaries or Secretariat Officers except by previous appointment and through proper channel.

14. Ventilating grievances through the press.—A Gaon Panchayat Servant shall not ventilate through the press any personal or general grievance relating to service of panchayat matters.

SCHEDULE III

Delegation of the powers of the State Government under the various sections of the Panchayat Raj Act and the Panchayat Raj Rules to subordinate authorities

1 Section or rule	2 Power delegated to
	Sections
3	Director and Joint Director of Panchayats, U. P.
5-A	S. D. O.
12(8)	District Magistrate.
25(4)	Director and Joint Director.
37 C (1)	Director and Joint Director of Panchayats with full powers.
95 (1) 2 (f)	Director, Joint Director with the powers of only suspension of Gaon Panchayats, Joint Committee or Nyaya Panchayats.
95 (1) (g)	Director, Joint Director, Deputy Director and Assistant Director of Panchayats.
95 (2)	Director and Joint Director.
95-A	Director and Joint Director of Panchayats.
96 (1)	D. P. O.
112 (2) Proviso	Director and Joint Director of Panchayats.
	Rules
49 (1)	Director and Joint Director.
65	Director and Joint Director of Panchayats.
141	Director and Joint Director of Panchayats.
179 (2)	Director and Joint Director of Panchayats. The working of the Treasury or Sub-Treasury or any financial rule shall be referred to State Government.
186	Director and Joint Director of Panchayats.
239	Ditto. ditto
241 (g)	Ditto. ditto
242	District Panchayat Officer.
252	Director and Joint Director of Panchayats.
247	Ditto. ditto

SCHEDULE IV

I.—Model by-laws prohibiting the removal or use of water for drinking purposes from any source which is likely to cause danger to health and the doing of anything likely to contaminate any source of drinking-water.

[*Under section 112 (1) (a) of the Panchayat Raj Act, 1947*]

1. (*a*) No person shall cease himself or throw or deposit any manure, refuse, carcass or any other offensive matter within 100 yards of any well or other source of water whose water is used for drinking purposes.

(*b*) Erect any hut or house within 50 feet of any well or other source of water used for drinking purposes.

2. Noxious vegetation shall not be thrown to encroach or grow upon any well or near any tank or other source of water used for drinking purposes. Any person receiving a notice from the Gaon Panchayat that any vegetation is directly or indirectly injurious to public health shall remove such vegetation when called upon to do so by the Gaon Panchayat.

3. (*a*) No person shall throw or deposit any offensive matter, rubbish, night-soil or carcass in any well, pond or other source of water used for drinking purposes.

(*b*) No person shall lower any *lota* or metallic utensil rubbed with earth into any well or other source of water used for drinking purposes.

4. Except in the case where Gaon Panchayat has made provision for the purposes as hereinafter mentioned, no person shall bathe or wash his body or the body of another person, or clothes, or animals within 50 feet of any well, tank or other source of water used for drinking purposes.

5. No tress, bamboos or vegetation shall be allowed to overhang any well or other source of water used for drinking purposes. If there are any trees, bamboos or vegetation, their owner shall cut or remove them or in case of any religious objection to the same shall construct a roof of galvanised iron sheet or tin shed within a reasonable time of the notice by the Panchayat *in this behalf*. In case of failure to do so, the Gaon Panchayat shall have the power to do so and recover the expenses from the person concerned.

6. An owner of or any person having control over a private water course, spring, tank or well, the water of which is used by the public for drinking purposes shall on eceipt of a notice from the Gaon Panchayat—

(*a*) repair the well according to direction given by the Gaon Panchayat ;

(*b*) construct a parapet wall, pulley, platform and drain to take away water from a well, tank or other source of water used for drinking purposes beyond the zone of filteration ;

(*c*) disinfect them by permangate of Potash or other suitable disinfectant recommended by the Gaon Panchayat ;

(*d*) there shall be a suitable arrangement for disposal of waste water from the well at a distance of not less than one and a half times the depth of the well.

7. The owner or person having control over wells the water of which is used by the public for drinking shall have them cleaned thoroughly by emptying the water and taking out mud, silt and decaying vegetation once every year before advent of the rainy season.

In case of non-compliance of these provisions, the Gaon Panchayat shall first issue a notice to such person requiring him to comply with these provisions within a reasonable time. In case the notice is not complied with within the period specified in the notice the Gaon Panchayat shall get the well cleaned within one month next after the expiry of the aforesaid period and recover the cost thereof from the person concerned.

8. Water from tanks may be used for drinking purposes only in villages where no water supply from a well is available. Where two or more tanks exist in the same village the Gaon Panchayat may mark off one or more of them for drining purposes and no person shall remove for drinking purposes any water from a tank not so marked off.

9. If, during the prevalence of any epidemic the Gaon Panchayat prohibits the use of the water of any well, tank, spring or water course, for drinking purposes, it shall not be so used until the Gaon Panchayat vacates its order and re-opens the same by beat of drum as well as by issuing a notice.

10. Any person who has in his house or in his possession any clothing, bedding, furniture, etc , which has come in contact with a person suffering from infectious disease, *e.g.* cholera, plague, small-pox scarlet fever, enteric fever, dyptheria, measles, tuberculosis or cerebro-spinal meningitis, shall cause them to be disinfected with permanganate of potash or other disinfectant or by boilling or exposure to the sun or burning as the District Medical Officer of Health or the Assistant Medical Officer of Health or Sanitary Inspector may by notice direct and shall not wash them in any pond, tank or other sources of water before disinfecting the same.

11. During the prevalence of any epidemic the Gaon Panchayat shall disinfect water of every well, tank or pond used for drinking purposes at least once every month by the use of any disinfectant, *e.g.*, potassium permanganate, chlorinated lime, etc.

12. No one shall prohibit any employee of Gaon Panchayat or Public Health Department from disinfecting the water of any well, tank, pond, etc., whether public or private.

13. Gaon Panchayat shall prohibit members and servants of any family in which there is a suspected case of cholera or small-pox from fetching water from any source used for drinking purposes. It shall arrange supply of water to members and servants of such a family before passing an order under this bye-law.

14. No private or public well shall be constructed, the water of which is to be used for human consumption within 50 feet of any latrine, a drain or other source liable to cause polution of the water therein.

15. The cylinder of the well shall be *pucca* throughout and impervious to water up to a depth of not less than five feet belew the lowest level of the sub-soil water in the vicinity.

16. In every well the water of which is used for drinking purposes there shall be—

(*a*) a parapet 2 1/2 feet high with coping of 45° with pulleys should be fixed thereto, and

(*b*) a *pucca* platform with a drain all round to take away the spilt water. The drain shall discharge into one or more soakage pits depending on the size of the well, situated at least 25 feet away from the mouth of the well or in a drain which will carry away the slopwater to at least 50 feet away.

17. No person shall bathe, wash any portion of his body, wash any clothes or utensils for cattle at the platform or parapet of the well.

Penalty.

In exercise of the powers conferred by section 98 of the Panchayat Raj Act, the Gaon Panchayat hereby directs that a person found guilty of a breach of any of the above bye-laws by the Nyaya Panchayat shall be punishable with a fine which may extend to Rs. 10 and if the breach is a continuing one with a further fine which may extend to Re. 1 for every day after the date of the first conviction during the offender is proved to have persisted in the offence.

II.—Model bye-laws prohibiting or regulating the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place.

[*Under section 112*(*1*) (*b*)]

1. No person shall discharge the sullage, waste, wash or dirty water from his house or animal shed on a public street or lane or in a drain not set apart from the purposes, otherwise than in suitably sized soakage pit or pits *pucca hauz*, other properly constructed receptacle or in any other manner, as directed by Gaon Panchayat and these shall be kept clean.

2. Within one month of the receipt of a notice the owner of every house, the drainage of which is not to be satisfaction of the Gaon Panchayat, shall construct one or more soakage pits of the specification given in Schedule "A" to these bye-laws and shall connect every house or kitchen drain and the drain from prives and cattle shed to a separate soakage pit.

3. The owner or in his absence the head of the family living in every house in which soakage pits have been constructed shall at periods not exceeding six months or whenever required by the Pradhan or the Secretary of the Gaon Panchayat or a member of the District Health

staff not below the rank of a Sanitary Inspector shall have the pits cleaned by digging up the filth and ballast and burying them underground and putting in new ballast and such owner or occupirr shall not let the pits overflow at any time.

4. Every cattle-shed must be so constructed as to allow to flow urine, etc. out of the cattle-shed into a cesspool which must be so constructed as not to admit rain water.

5. Water used in dyeing and tanning skin shall not be allowed to flow in or contaminate any source of supply of water used for drinking purposes for human being or cattle.

6. No one shall allow sullage water of his house to flow in or contaminate any source of supply of water used for drinking purposes.

Penalty.

In exercise of the powers conferred by section 93 of the Panchayat Raj Act, 1947, the Gaon Panchayat hereby directs that a person found guilty of a breach of any of the above by-laws by the Nyaya Panchayat shall be punishable with a fine which may extend to Rs. 10 and if the breach is a continuing one with a further fine which may extend to Re. 1 for every day after the date of the first conviction during the which the offender is proved to have persisted in the offence.

Schedule "A"

Specification for soakage pits.

1. Soakage pits should be about 5′ square or circular with a diameter of 5′ and should be six feet deep.

2. When dug the earth taken out should be used for raising the edges of the pit above the surrounding surface so that the rain may not wash earth into them and clog them up ; any surplus earth should be used to fill up any hollows and depressions close by.

3. The pits should be filled with broken bricks, stones etc., over 1′ in diameter and the sullage drain should lead into the centre of these pits.

4. A basket containing a little grass should be put under the pipe to catch any greasy matter which might reduce the efficacy of the soakage pit.

5. A sketch of the pit is appended with the rules.

III.—Model bye-laws preventing damage to Gaon Panchayat property.

[*Under section 112* (*1*) (*c*)]

1. In these by-laws the term "land" and "building" denotes any land or building which belongs to Gaon Panchayat or is under the control or management of the Gaon Panchayat.

2. No person shall deface, otherwise spoil or damage any building, public street or appurtenances thereto or any other property belonging to or vested in the State or any local authority or Gaon Panchayat or being under control of Gaon Panchayat.

3. No person shall stick bills, advertisement or notice of any kind upon any building or property without the written permission of the Pradhan or the Secretary.

4. No person shall make or cause to be made a drain or water course on or across a public street belonging to or vested in the Gaon Panchayat without the written permission of the Pradhan or the Secretary and in the manner directed by him which may be granted on the following conditions :

(1) No person who has received a permit shall construct the drain in such a way which may interfere with the easy passage of traffic over it.

(2) No person shall let any obstruction remain on any public street or dig or in any way damage, destroy, encroach upon or change the situation or shape, of any road, fence, culvert, drain, or boundary stone.

5. No person shall., without the permission of the Pradhan or Secretary cut or injure trees or fences on any public street or place, or pluck fruit or flowers or grab up or cut grass in any place which is owned by the Gaon Panchayat.

6. No person shall use any land or building unless he has received a lease thereof or written permission from the Pradhan or Secretary.

7. Any person holding on lease any land or building shall, if so required by the Gaon Panchayat, vacate the land or building, without any objection on the termination of the lease.

8. No one shall cut any trees or its branches from civil Benap forest within the maintenance or control of the Gaon Panchayat or cause any damage to the same without the permission of the Pradhan or Secretary where the management of such forest has been entrusted to Gaon Panchayat.

9. No person shall be entitled to use or occupy any public street or place for the sale of articles or for the exercise of any calling or for the selling of any stuff without the permission of the Gaon Panchayat.

10. No person shall withont the permission of the Gaon Panchayat collect any market toll or public streets.

11. Persons driving, leading or propelling a vehicle along a road shall keep to the left and when passing a vehicle going in the same direction keep to the right of that vehicle.

12. No person shall drive a vehicle or lead or drive animal on the portion of public ways or bridge closed for repairs or interfere in any manner with a mark or post put on the road or the bridge for this purpose.

13. The right of temporary occupation of public way or place or property vested in or entrusted to the management of the Gaon Panchayat for the purpose of using the places as stands or parks for carts and other conveyance shall be leased by auction to such persons as the Gaon Panchayat may by resolution decide in each case.

Penalty

In exercise of the powers conferred by section 98 of the Panchayat Raj Act, the Gaon Panchayat hereby directs that a person found guilty of a breach of any of the above bye-laws by the Nyaya Panchayat shall be punishable with a fine which may extend to Rs. 10 and if the breach is a continuing one with a further fine which may extend to Re. 1 for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

IV—Model bye-laws regulating sanitation, conservancy and drainage in the area of Gaon Panchayat

[*Under section* 112˴1) (*d*)]

1. No person shall deposit or store or cause to be deposited or stored, filth, manure, rubbish, refuse, garbage, night-soil, carcass, or other offensive or putrid matter on any land within fifty yards of a public place, street, lane, place of worship, well or tank, otherwise than in places marked for the same by the Gaon Panchayat in suitably sized pits at least 4 feet deep with a convering of 12 feet of earth all over so as to prevent effectively odour, nuisance, fly-breeding and unsightly appearance. The pits shall be at sites appointed by the Gaon Panchayat for the purpose, and shall be within easy reach of the house from which collections are brought. Nothing in clause (1) shall effect the right of a person to manure his fields.

2. Gaon Panchayat may on payment, arrange for the collections, storage and sale of filth belonging to any person.

3. No person shall use a Gaon Panchayat drain as latrine or urinal.

4. No person shall without the permission of the Gaon Panchayat use any place within 220 yards of the *abadi* for the purpose of dyeing or tanning of skin, for storing hides, horns, bones or skins.

5. No person shall store "Senai"(jute, flex or hemp) to rot in pits, tanks or collections of water used for drinking purposes or situated within 400 yards of dwelling houses.

6. Whenever any animal in charge of a person dies otherwise than by being slaughtered for sale, consumption or a religious purpose, the person in charge thereof shall within 24 hours of its death convey the carcassess to the place fixed by the Gaon Panchayat for the disposal of dead bodies or animals or to a place at least 220 yards beyond the *abadi* and have the same buried after it has been skinned, if necessary.

. No person shall deliberately foul the village site so as to create a public nuisance.

8. No person shall apply raw night-soil to land for agricultural purposes unless it has been properly composted or trenched for a sufficient

period as is necessary to make the night-soil dry and inodorous to the satisfaction of the Gaon Panchayat or an officer of the Public Health Department not below the rank of a Sanitary Inspector.

9. The Gaon Panchayat may by notice require the owner or the occupier of a building or land which has for any reason been abandoned or neglected and is or is likely to become a public nuisance or to impair the health, safety and convenience of the inhabitants of the surrounding area, to secure and enclose the same within one month from the date of the receipt of the notice.

10. Should any building or land be in a filthy or unwholesome state the Panchayat may require the owner or the occupier thereof to cleanse or otherwise put it in a proper state and thereafter to keep the same in a clean and proper state.

11. No owner or occupier of any building or land shall allow dirt, dung, bones, ashes, night-soil or fifth or any noxious or offensive matter to be kept on the building or land for more than 24 hours or otherwise than in some properly covered receptacle provided for the purpose.

12. No person shall make any excavation except a pit for compost making inside a village or within half a mile of it unless it is drained to the satisfaction of the Gaon Panchayat or is filled up with some non-putrifiable material.

Note—The Gaon Panchayat may drain or fill up any excavation or cutting and recover the expenses from the defaulter.

13. The Gaon Panchayat shall specify particular tanks or hollows within the village from which only earth required for building purpose shall be taken and from no other place.

14. No latrine shall be allowed to open on any public street or place, unless it is hidden from public view by a masonry wall or a screen of non-absorbant material.

15. No sandas or drop-latrine shall be allowed in any house or building.

16. Any latrine provided shall conform to design that may be approved by the Gaon Panchayat.

17. No sweeper shall carry filth or other offensive matter in the village uncovered and exposed to view and winds within the inhabited area.

18. (*a*) No person shall defecate or wash perieneum within 50 yards of the outermost houses otherwise than in a served bore-hole or a septic tank, latrine and that after defecation in the open, faecal matter shall be fully covered with earth all round, to prevent fly-breeding and nuisance.

NOTE.—The rule shall not apply to persons old, infirm or sick and to children up to 7 years of age.

(*b*) The head of the family, parent, or guardian of an infant, any member of the family or any other person attending on the sick or entrusted with the care of an infirm person shall not allow any infant, sick or infirm person to defecate at any public place within 50 feet of any lane, street, place of worship, well or tank and see that the night soil of the infant, sick or infirm person is fully covered with earth all round or otherwise suitably and promptly collected, removed and disposed of to prevent fly-breeding and nuisance.

19. For the convenience of ladies Gaon Panchayat shall reserve some suitable places for defecation and fix time both in the morning and evening. The time so fixed shall not be less than two hours in the morning and two hours in the evening.

20. Gaon Panchayat shall change such place and time according to the season of the year.

21. During the time so fixed no male person shall be allowed to go towards the place reserved for ladies.

22. Without written permission of the Gaon Panchayat no one shall be allowed to carry on dyeing and tanning of skin within 220 yards of the *abadi* or 50 yards of any public place.

23. Dyeing and tanning of skin shall be carried out in an enclosure whose wall shall be at least 6 feet high.

Piggeries

24. No person shall keep pigs within the limits of the Gaon Sabha without the permission of the Gaon Panchayat.

25. (1) A piggery shall consist of partly of a well-ventilated sty and partly of an open court-yard surrounded by a wall not less than six feet in height.

(2) The pens provided for the piggery shall be made *pucca*.

(3) All waste in the piggery should be suitably disposed of to the satisfaction of the Gaon Panchayat.

(4) All residential and sleeping rooms attached to the piggery should be effectively separated by complete substantial walls with windows opening into external or some space at least six feet wide.

(5) Piggery premises should be kept neat and clean.

(6) No person suffering from an infectious or contagious disease shall be allowed to partake in the business.

(7) Pigs shall be fed on wholesome diet and shall not be allowed to stay outside the premises at any time of day or night unattended.

26. No pigs shall be slaughtered in a place open to public view.

27. The piggery shall be open to inspection by the Pradhan, Secretary of the Gaon Panchayat or officers of the Public Health Department not below the rank of a Sanitary Inspector.

28. No piggery shall be allowed within 50 feet of a dwelling-house, other than that of a keeper of the pigs.

Penalty

In exercise of the powers conferred by section 98 of the Panchayat Raj Act, 1947, the Gaon Panchayat hereby directs that a person found guilty of a breach of any of the above by-laws by the Nyaya Panchayat shall be punishable with a fine which may extend to Rs. 10 only an if the breach is a continuing one with a further fine which may extend to Re. 1 for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

SCHEDULE V

Gaon Panchayat and Nyaya Panchayat Servants' (Punishment and Appeal) Rules

1. These rules shall be called the Gaon Panchayat and Nyaya Panchayat Servants' (Punishment and Appeal) Rules.

2. These rules shall come into force at once and shall apply to the Panchayat Secretary and other servants of Gaon Sabha and Nyaya Panchayats drawing a play of Rs. 30 per mensem or above.

3 **Punishments**—The following penalties may, for reasons to be recorded in writing, be imposed by the Gaon Panchayat or by an officer to whom such power has been delegated by the Gaon Panchayat, on any servant of the Gaon Sabha, and by the prescribed authority (as referred to in sections 25 and 25-A of the Act)" on any servant of the Nyaya Panchayat or on Panchayat Secretary.

(*a*) Formal censure.

(*b*) Fine of an amount not exceeding one month's pay.

(*c*) Withholding of increments, including stoppage at an efficiency bar.

(*d*) Recovery from pay of the whole or part of any pecuniary loss caused to Panchayat or Government by negligence or breach of an order.

(*e*) Reduction to a lower post or time-scale, or to a lower stage in a time-scale.

(*f*) Suspension.

(*g*) Removal from service.

(*h*) Dismissal from service.

Provided that the penalty specified in clause (*b*) above shall not be imposed on any person who is not an Inferior servant.

Explanation—(1) The discharge of a person—

(*a*) appointed on probation, during the period of probation,

or (*b*) appointed otherwise than under contract to hold temporary appointment, on the expiration of the period of appointment, or

(*c*) engaged under contract, in accordance with the terms of his contract, shall not be deemed to be a removal or dismissal within the meaning of this rule or rule 4.

(2) The discharge of a person appointed to hold temporary appointment before the expiration of the period of his appointment not being within the scope of clause (*b*) of the explanation to rule 3 above amounts to removal or dismissal within the meaning of that rule.

4. (1) No order (other than an order based on facts which had led to his conviction in a criminal court or by a court martial) of dismissal, removal or reduction in rank (which includes reduction to lower post or time-scale, or to a lower stage in a time-scale but excludes the reversion to a lower post of a person who is officiating in a higher post) shall be passed on an employee of the Gaon Sabha, Nyaya Panchayat or a Panchayat Secretary, unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges which shall be communicated to the person charged and which shall be so clear and precise as to give sufficient indication to the charged person of the facts and circumstances against him. He shall be required within a reasonable time to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so directs, an oral inquiry shall be held in respect of such of the allegations as are not admitted. At the inquiry oral evidence shall be heard and the person charged shall be entitled to cross-examine witnesses, to give evidence in person, and to have witnesses called, as he may wish, provided that the officer or person conducting the inquiry may, for special and sufficient reasons to be recorded refuse to call a witness. The proceedings shall contain a sufficient records of the evidence and a statement of the findings and the grounds thereof. After the enquiry has been completed the punishing authority shall pass final order without delay.

(2) In the case of other punishments specified in rule 3, wherever the punishing authority is satisfied that good and sufficient reasons exist for adopting such a course, it may impose any one of these penalties ;

Provided thas it shall not be necessary to frame formal charges against the person concerned or to call for his explanation.

(3) This rule shall not apply where the person concerned has absconded or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the rule may, for sufficient reasons to be recorded in writing, be waived where there is difficulty in observing exactly the requirements of the rule and those requirements, can, in the opinion of the inquiring officer, be waived without injustice to the person charged.

5. (*a*) A servant of the Gaon Sabha or the Nyaya Panchayat or a Panchayat Secretary against whose conduct an inquiry is contemplated or is proceeding, may be placed under suspension pending the conclusion of the inquiry in the discretion of the punishing authority.

15. When the suspension of an employee is held to have been unjustifiable or not wholly justifiable, or when an employee who has been dismissed, removed or suspended is re-instated ; the revising or appellate authority may grant to him for the period of his absence from duty—

(*a*) If he is honourably acquitted the full pay to which he would have been entitled if he had not been dismissed, removed, or suspended (and by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal, removal or suspension, or

(b) if otherwise such proportion of pay and allowance as the appellate authority may prescribe.

In a case falling under clause (*a*), the period of absence from duty will be treated as a period spent on duty. In a case falling under clause (*b*), it will not be treated as a period spent on duty unless the revising or appellate authority so directs.

FORM A

Register of members

PART I.

Family Register

Name of Gaon Sabha ____________

Name of Nyaya Panchayat ____________

Name of village ____________ Tahsil ____________ District ____________

Serial no.	House no.	Name of head of the family	Names of members of the family	Father's/husband's name	Male or female	Religion (caste in case of Scheduled caste)	Date of birth, if known, or probable date of birth	Occupation	Literate or illiterate (if literate give details of qualification)	Date of leaving the circle or date of death	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

Note—In the remarks column the number and date of the order, if any, by which any name is added or struck off should be given along with the signature of the person making the entry.

FORM A

PART II

Adult Register

Name of Gaon Sabha ____________

Name of the Nyaya Panchayat ____________

Name of village ____________ Name of Constituency ____________ Tehsil ____________ District————

Serial no.	House no.	Name	Father's husband's name	Male or female	Religion (caste in case of Scheduled Caste)	Date of birth	Literate or illiterate (if literate give details of qualifications)	Remar
1	2	3	4	5	6	7	8	9

Note.—In the remarks column the number and date of the order by which any name is added or struck off should to be given, along with the signature of the person making the entry.

FORM B

[*Deleted*]

FORM C

Annual Estimate of Income and Expenditure

For the year ______________

Name of Gaon Sabha____________________

Tehsil ________________

District________________

INCOME

Heads and items	Actuals of past year	Estimate of current year	Actuals for first six months of current year	Revised estimate of current year	Annual estimate of income and expenditure	Remarks
1	2	3	4	5	6	7
I—Government grants—						
1. Education—						
(*a*) Recurring ..						
(*b*) Non-recurring ...						
2. Medical—						
(*a*) Recurring ..						
(*b*) Non-recurring ...						
3. Public Health—						
(*a*) Recurring ..						
(*b*) Non-recurring ...						
4 Roads—						
(*a*) Recurring ..						
(*b*) Non-recurring ..						
5. Other Purposes—						
(*a*) Recurring ...						
(*b*) Non-recurring ...						
II—Other receipts from Government under the Act—						
(*a*) Recurring ...						
(*b*) Non-recurring ...						
III—Taxes, Rates and Fees—						
(1) Tax on—						
(*a*) Revenue/Rent [sections 37 (1) (*a*) and (*b*)] ..						
(*b*) Animals and vehicles [section 37 (1) (*d*)] ..						
(*c*) For cleaning latrines and drains [section 37 (1) (*i*)] ..						
(*d*) Buildings [section 37 (1) (*j*) ..						
(2) Fees—						
(*a*) On trade, calling and profession [section 37 (1) (*c*)] ...						
(*b*) For sale of goods in market [section 37 (1) (*e*)]...						
(*c*) For registration of animals sold [section 37 (1) (*f*)] ...						

1	2	3	4	5	6	7
(3) Rate—						
For water supplied [section 37 (1) (*h*)] ...						
(4) Other income ...						
IV—Education—						
1. Fees from schools, if any ...						
2 Contribution from other local bodies— ...						
(*a*) Recurring ...						
(*b*) Non-recurring ...						
3. Subscription from other sources ...						
4. Other receipts ...						
V—Medical—						
1. Receipts from patent ...						
2. Sale of medicines ...						
3 Income from endowment ...						
4. Contribution from local bodies ...						
5. Subscriptions from other sources ...						
6. Other receipts ...						
VI—Public Health—						
1. Sanitary fees and fines ...						
2. Contributions from private persons ...						
3. Contributions from local bodies ...						
4. Other receipts ...						
VII—Receipts—						
Nyaya Panchayat ...						
VIII—Receipts—						
Fairs, exhibitions and markets ...						
IX—Receipts—						
1. Rents of buildings and land (other than nazul) ...						
2. Sales of immovable property (other than nazul) ...						
3. Rent of nazul buildings and lands ...						
4. Sale-proceeds and premium of nazul buildings and land						
X—Miscellaneous—						
1. Sale of old stores and materials ...						
2. Contributions from local bodies ...						
3. Contribution from private persons ...						
4. Sundry receipts ...						
XI—Extraordinary and debt—						
1. Loans ...						
2. Deposits ...						
Total of Heads from I to XI ...						
XII—Opening Balance ...						
GRAND TOTAL —————— ...						

FORM

EXPENDITURE

Heads and items	Actuals of past year	Estimate of current year	Actuals for first six months of current year	Revised estimate of current year.	Annual estimate of income and expenditure.	Remarks
1	2	3	4	5	6	7
I—General Administration and collection charges—						
1. (a) Officers : ...						
2. Office establishment ...						
3. Contingencies ...						
4. Payment for audit ...						
(b) Collection charges : ...						
1. Establishment ...						
2. Contingencies ..						
II—Education—						
1. Establishment ...						
2. Contingencies ...						
3. Library and reading room ...						
4. Miscellaneous ...						
III—Medical—						
1. Establishment ...						
2. Contingencies ...						
3. Miscellaneous ...						
IV—Public Works—						
1. Construction ...						
2. Repairs ...						
3. Miscellaneons ...						
V—Public Health—						
1 Establishment ...						
2. Contingencies ...						
3. Maternity and child welfare ...						
4. Miscellaneous ...						
VI.—Nyaya Panchayat,—						
1. Establishment ...						
2. Contingencies ...						
3. Miscellaneous ...						
VII—Provident Fund—						
With name of department ...						
VIII—Miscellaneous—						
1. Agriculture, Commerce and Industry ...						
2. Census ...						
3. Village volunteer force ...						
4. Election expenses ...						
IX—Extraordinary and debt—						
1. Repayment of loan ...						
2. Deposits ...						
3. Other advances ...						
X—Closing balance (detail) ...						

FORM C(1)

Annual Estimate of Income and Expenditure of Nyaya Panchayats

Name of Nyaya Panchayat——————————

Tahsil ——————————

District ——————————

INCOME

Heads and items	Actuals of past year.	Estimate of current year	Actuals for first six months of the current year	Revised estimates of current year.	Annual estimate of income and expenditure.	Remarks.
I—Government Grant—						
(i)						
(ii)						
(iii)						
Total of Head I—						
II—Court-fees and fines—						
(1) Court-fees :						
(i) Civil ...						
(ii) Revenue ...						
(iii) Criminal ...						
(2) Fines in criminal cases ...						
Total of Head II—						
III—Other Receipts—						
(i) Copying fees ...						
(ii) Summons fee ...						
(including the cost of summons forms). ...						
(iii) Inspection of records ...						
(iv) Miscellaneous—						
(a)...............						
(b)...............						
Total of Head III—						
IV—Opening balance ...						
Grand total ...						

EXPENDITURE

1	2 Rs.	3 Rs.	4 Rs.	5 Rs.	6 Rs.	7
1. General Administration—						
(a) Officers ...						
(b) Office Establishment ...						
(c) Contingencies (cost of stationery, forms etc ...						
(d) Payment for audit ...						
2. Copying charges ...						
3. Summons serving charges ...						
4. Other expenditure ...						
Total of Heads 1 to 4 ...						
5. The credit of Government ...						
6. Closing balance ...						

Note.—Income shown under Head 2 (Court-fees and fines) shall be shown in Expenditure under Head 5 (To credit of Government) as the entire amount derived from court-fees and fines is to be credited to Government in accordance with section 39(2) of the Panchayat Raj Act.

FORM D

Birth and Death Register

Name of village ——————————
Name of Gaon Sabha —————— ——————Name of Nyaya Panchayat——————
Tahsil—————— ——————District—————— ——————

The register will commence from ist of January and will close on 31st of December every year.

After close of register, it will be kept for one year in the Gaon Panchyat Office and by the 15th of January next year it will be sent to District Panchayat Office for transfer to Collectorate, Criminal Record Room.

Serial number shall commence from year to year.

Separate serial number shall be given for Births and Deaths.

PANCHAYAT RAJ FORM D

Name of Gaon Sabha —————— Name of village —————— Tahsil ——————District——————

BIRTH*	Serial no.	House no	Name of child if known	Sex	Parentage	Caste ortreligion	Date of birth	Whether still-born	Name of reporter	No. of the receipt issued	Signature of the Officer with date making the entries	DEATH*	Serial no.	House no.	Name of deceased	Parentage	Sex	Age	Caste or religion	Date of death	Cause of death	Duration of illness and arrangement of medical aid, if any	Name of reporter	No. of receipt issued	Signature with date
	1	2	3	4	5	6	7	8	9	10	11		1	2	3	4	5	6	7	8	9	10	11	12	13

*Note—In the end of each month after making total it will be closed.
Serial number shall commence from year to year.

FORM No. 1

Annual of Report

Year ——————————————————— 195 -195

Gaon Panchayat ———————————————————

Nyaya Panchayat ———————————————————

Panchayat Inspector, circle ———————————————————

Tahsil ———————————————————

District ———————————————————

Description	Correspond-ing figures of the pre-vious year, if available	Figure of the current year	Remarks
1	2	3	4
1. Education—			
(*a*) Number of illiterate adults made literate			
(Male)			
(Female)			
(*b*) Number of illiterate members of Gaon Panchayat who were made literate.			
(*c*) Number of Adult Schools—			
(i) Managed entirely by the Gaon Sabha			
(ii) Aided by the Gaon Sabha			
(*d*) Number of Primary Schools for Boys and Girls			
(i) Managed entirely by the Gaon Sabha			
(ii) Aided by the Gaon Sabha			
2 Reading Rooms and Libraries—			
(*a*) Number of libraries—			
(i) Managed exclusively by the Gaon Sabha			
(ii) Number of books			
(iii) Aided by the Gaon Sabha			
(iv) Number of books			
(*b*) Number of Reading Rooms—			
(i) Managed exclusively by the Gaon Sabha			
(ii) Number of newspapers and magazines			
(iii) Aided by the Gaon Sabha			
(iv) Number of newspapers and magazines			
3, Radios—			
(*a*) Number of radios purchased by the Gaon Sabha			
(*b*) Number of redios installed, under the Community Listening Scheme.			
(*c*) Number of radios received in gift			
(*d*) Number of private radios			
4. Sanitation—			
(*a*) Number of ghurs which were cleared			
(*b*) Number of pits which were filled			
(*c*) Drains cleaned (number, and lengths in yards)			
(*d*) Number of compost pits dug			
5. Medical—			
(*a*) Number of dispensaries or aushdhalayas—			
(i) run exclusively by the Gaon Sabhas			
(ii) Number of patients provided medical aid			
(iii) Aided by the Gaon Sabha			
(iv) Number of patients provided medical aid			

1	2	3	4
(*b*) Number of medicines chests—			
(i) given by the Government			
(ii) purchased by the Gaon Sabha			
(iii) Number of patients provided medical aid			
(*c*) Number of maternity chests—			
(i) given by the Government			
(ii) purchased by the Gaon Sabha			
(iii) Number of patients provided medical aid			
(iv) Number of midwives			
(Trained)			
(Untrained)			
6 Health—			
(*a*) Number of akharas and gymnasiums run by the Gaon Sabha.			
(*b*) Average number of daily participants			
7. Construction and repair of roads and drains—			
(*a*) New roads constructed (length in miles and yards) $\frac{\text{pakka}}{\text{kachcha}}$			
(*b*) Kachcha roads converted into metalled ones (length in miles and yards),			
(*c*) (i) Roads fitted with kharanja (length in miles and yards).			
(ii) Roads repaired with kharanja (length in miles and yards)			
(*d*) Old roads repaired (length in miles and yards $\frac{\text{pakka}}{\text{kachcha}}$			
(*e*) Drains constructed (length in yards) $\frac{\text{pakka}}{\text{kachcha}}$			
(*f*) Kachcha drains converted into pakka ones (length in yards)			
(*g*) Drains repaired (length in yards) $\frac{\text{pakka}}{\text{kachcha}}$			
8. Cleaning and Repairs of drinkig wells—			
(*a*) Number of wells $\frac{\text{pakka}}{\text{khachca}}$			
(*b*) Number of wells constructed $\frac{\text{pakka}}{\text{kachcba}}$			
(*c*) Number of wells which were repaired $\frac{\text{pakka}}{\text{kachcha}}$			
(*d*) Number of wells which were cleaned $\frac{\text{pakka}}{\text{kachcha}}$			
9. Baithing plateforms or rooms—			
(*a*) Number of bathing plateform or rooms constructed			
(*b*) Number of bathing platforms or rooms repaired			
10. Panchayatghars—			
(*a*) On rent			
(*b*) Received in gift $\frac{\text{pakka}}{\text{Kachcha}}$			
(*b*) Constructed by Gaon Sabha $\frac{\text{pkka}}{\text{kachcha}}$			
(*c*) Number of kachcha Panchayatghars constructed into pakka ones			
11. Ghandhi Chabutras—			
(*d*) Constructed by the Gaon Sabhas $\frac{\text{pakka}}{\text{kachcha}}$			

1	2	3	4
(b) Number of kachcha Gandhi Chabutras converted into pakka ones ...			
12 Light—			
(a) Number of lanterns on road—			
(i) Old ..			
(ii) Number of old lanterns that have become unserviceable ...			
(iii) New ..			
13. Tree Plantation—			
(a) Community Forests (area in acres) ...			
(b) Community orchards (area in acres) ...			
(c) Number of new trees planted (excluding those planted in community orchards or forests ..			
(i) Number of fruit-bearing trees ...			
(ii) Number of other trees ..			
(d) Number of trees which were planted during the preceding years and are still alive.			
(i) Fruit.bearing trees ..			
(ii) Others ...			
14. New Schemes and other important development work			
15. Birth and death record—			
(a) Total population ...			
(b) Births ...			
(c) Deaths ...			
16. Cattle—			
(a) Number of bulls maintained by Panchayats —			
(b) Number of bulls received from Animal Husbandary Department.			
(c) Received in gift ...			
(d) Purchased by Panchayats ...			
(e) Number of cattle medicine chests in use ..			
(f) Number of cattle treated ...			
(g) Number of cattle exhibitions organised by Panchayats.			
17. Miscellanous—			
(a) Land acquired by Panchayats for grazing (area in acres)'			
(b) Land acquired for other public purposes (give details) (area in acres).			
(c) Land received in gift (area in acres) ...			
(d) Uncultivated land made cultivable by Panchayats (area in acres).			
(e) Number of Co-operative societies ..			
(f) Number of members ..			
(g) Amount of share money ..			
18. Number of Gaon Sabhas			
19. Income of the Goan Panchayats—			
(a) Total amount of taxes, rates and fees in arrears			
(b) New taxes etc. imposed—			
(i) Tax ...			
(ii) Rate ...			
(iii) Fees ...			
(c) Total of (b) (i) to (iii) ...			
(d) Total of (a) and (c) ...			
(e) Amount remitted—			
(i) Current ..			
(ii) Arrear ...			
(f) Amount to be realised—			
(i) Current ..			
(ii) Arrear ...			
Total ...			

1	2	3	4
(*g*) Total amount of taxes, rates and fees realized—			
(i) Current			
(ii) Arrear			
Total			
(*h*) Balance—			
(i) Current			
(ii) Arrear			
Total			
(*i*) Amount received from the Nyaya Panchayats			
(*j*) Income from Gaon Samaj			
(*k*) Income from Government Grant (other than Grant for pay of Secretaries).			
(*l*) Donations (Received)—			
(i) Cash			
(ii) House (no. and estimated value)			
(iii) Book (no. and estimated value)			
(iv) Land (area and value)			
(v) Others (details and value)			
(vi) Total			
(*m*) Any other income			
(*n*) Grand Total of (*g*), (*i*), (*j*), (*k*), (*l*), and (*m*)			
20. Expenditure of the Goan Panchayats—			
(i) Pay of employees (other than Secretaries)			
(ii) T. A. and Stationey allowance to Secretaries			
(iii) Expenditure on construction and repair of—			
(*a*) Panchayatghar			
(*b*) Ghandhi Chabutra			
(*c*) Roads and Drains etc.			
(*d*) Wells, tanks and other irrigitional works			
(iv) Community orchards and forests			
(v) Expenditure on tax collection			
(vi) Expenditure on lighting			
(vii) Expenditure on sanitation and health			
(viii) Expenditure on education etc.			
(ix) Expenditure of Nyaya Panchayats			
(x) Expenditure on Gaon Samajas			
(xi) Other expenditure (give details)			
Total			
21. Details of balance—			
(i) Gaon Sabha funds in the Personnal Ledger Account.			
(ii) Balance of Government grant for pay of Panchayat Secretaries in the P. L. A.			
(iii) Goan Sabha funds with the Pradhan			
(iv) Funds in the Post Office Savings Bank Account or in the shape of Savings Certificate.			
Total amount of balance			

Place	*Date*	*Signature of Secretary*	*Signature of Panchayat Inspector.*	*Signature of District Panchayat Officer.*

Note.—(1) The information asked for in serial 1 (*d*) shall include the Sanskrit Pathshalas and Urdu Maktabs also.

(2) The length of roads shown under Head 7 (a) shall not be included under Head 7 (*d*).

(3) The name of the doner of a gift of Rs. 100 or more shall be entered in the remarks column along with the actual amount donated,

(4) While filling up the statement care should be taken that the numbers of the institution like those of the schools, reading rooms and health centres, established aided or run by the Gaon Sabhas are entered in the main column, and the number of such institutions which are run by other departments, socities or private persons, are entered in the "remarks" column. His practice shall also be observed in other cases such as "number of illiterate", repairs who were made literate repairs of the roads and wells, etc.

PANCHAYAT RAJ FORM No. 2

File cover of Civil and Revenue cases

Name of Nyaya Panchayat __________ Tahsil__________ District__________

Number of civil or revenue case	Date of institution or receipt	Valuation of civil case	Total amount of fees collected	Date of disposal
1	2	3	4	5

Name of plaintiff or applicant......
....
Parentage ....

Religion.....................................
Age...

Place of residence ....

Name of Gaon Sabha.......................

Name of Nyaya Panchayat.........

Name of defendant or opposite party...........................
Parentage..........................

Religion ....
Age ....

Place of residence................

Name of Gaon Sabha ....

Name of Nyaya Panchayat .....

Name of panches, forming the bench and bench number
....

Name of the panches giving the decision.....................

Date of decision.....................

1............................ (*Chairman*)
2 ....
3 ....
4 ....
5 ....
(Bench number) ....
1............................ (*Chairman*)
2 ....
3 ....
4 ....

5 ....

Whether a revision has been filed, if yes, give the result

Date of transmission to Record Room..................

Period of retention...............................

Date of weeding.......................

Signature of weeder................

List of the papers enclosed in the file

Serial No.	Description of the paper	Date of enclosing (filing)	Page No.	Date of returning the paper, if any	Signature of the recipient	Remarks
1	2	3	4	5	6	7

PANCHAYAT RAJ FORM No. 3

File cover of criminal cases

Name of Nyaya Panchayat__________ Tahsil__________ District__________

Number of case	Date of institution or receipt	Nature of offence (give sections)	Total amount of fee collected	Date of disposal
1	2	3	4	5

Name of complainant..............	Name of accused..................	Name of panches forming the bench and bench number	1.......................(Chairman) 2.................................. 3.................................. 4.................................. 5.................................. (Bench number..................)
Parentage	Parentage..............................		
Age...	Age..		
Religion	Religion	Name of the panches giving the decision	1.......................(Chairman) 2.................................. 3.................................. 4.................................. 5..................................
Place of residence	Place of residence..................		
Police Station............................	Police Station..........................		
Gaon Sabha..............................	Gaon Sabha..............................		
Nyaya Panchayat......................	Nyaya Panchayat......................	Date of decision......................	

Where the revision is filed, if yes, give the result

Date of transmission to record room ________________

Period of retention ________________

Date of weeding ________________

Signature of weeder ________________

List of the papers enclosed in the file

Serial No.	Description of the paper	Date of enclosing (filing)	Pages	Date of returning the paper, if any	Signature of the recipient	Remarks
1	2	3	4	5	6	7

FORM No. 4

Form of Summons to Accused/Defendant/Judgment-Debtor other party/Witness

Serial no...

Names of the parties...

Nature of offence or claim...

Date of institution..

Name and description of the persons summoned.......................

Whereas this case will be placed before the Nyaya Panchayat...... ....on (date and time) ....(at place)....................................... ....are hereby required to attend as an you.............................Accused/Defendant/Judgment-Debtor/other party/witness, for giving evidence/to produce the following documents,

Seal

Signature of the Chairman or any Panch.

Date ____________

Form of Summons to Accused Defendant/Judgment-Debtor other party/Witness

Serial no ....

Names of the parties...

Nature of offence or claim...

Date of institution..

Name and description of the persons summoned.......................

Whereas this case will be placed before the Nyaya Panchayat........ ....on (date and time)...................... ....(at place)............................ ....are hereby required to attend as an you..............Accused/Defendant/Judgment-Debtor/other pary/witness, for giving evidence/to produce the follwing documents.

Seal

Signature of the Chairman or any Panch.

Date ____________ 195 .

FINE REGISTER

Name of Naya Panchayat ____________

Name of Tahsil ____________

Name cf District ____________

Number of Pages ____________

Commencing from ____________

Ending on ____________

Signature of Sarpanch.

PANCHAYAT RAJ FORM No. 5

Fine register

Fine imposed					Amount recovered				Details of credit			
Serial no.	Case no. and year	Name of accused	Date	Amount	No. of receipt	Date	Amount	Serial no. of General Cash Book	Date	Amount	Initials	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
				Rs. a. p.			Rs. a. p.			Rs. a. p.		

Note.—If any amount is remitted or reduced in revision, the number and date of order and amount involved should be shown in Remarks column.

GAON FUND ACCOUNT (GENERAL CASH BOOK)

Name of Gaon Sabha ——————
Tahsil ——————
District ——————
No. of pages ——————
Commencing from ——————
Ending on ——————

Signature of Pradhan.

PANCHAYAT RAJ FORM No. 6

Gaon Fund Account (General Cash Book)

Receipts					Disbursements						
Serial no.	Date	Number of receipt	Khata no.	Amount	Serial no.	Voucher no.	Date	On what account	Amount	Khata no.	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
				Rs. a. p.					Rs. a, p.		

Note.—This account must be closed and balanced at the end of every month and the account signed by the Pradhan. If any subscription, donation or Government Grant is received for any particular purpose a Khata shall be opened for the name and Khata number given.

Nyaya Panchayat Fund (General Cash Book)

Name of Nyaya Panchayat ——————
Name of Tahsil ——————
Name of District ——————
Number of pages ——————
Commencing from ——————
Ending on ——————

Signature of Sarpanch.

PANCHAYAT RAJ FORM No. 6-A

Nyaya Panchayat Fund (General Cash Book)

Receipts							Disbursements						
Serial no.	Date of receipt	No. of receipt	Ledger Khata no.	On what account	Amount	Grand Total	Serial no.	Date	Voucher no.	Ledger Khata no.	On what account	Amount	Balance
1	2	3	4	5	6	7	8	9	10	11	12	13	14
				Rs. a. p.	Rs. a. p.	Rs a. p.					Rs. a. p.	Rs. a. p.	Rs. a. p.

Note.—This account must be closed and balanced at the end of every month and the account signed by the Sarpanch.

If any subscription, donation or Government Grant is received for any particular purpose a khata shall be opened for the same and khata number given.

Columns 7, 12 and 13 shall be to talled separately at the end of each month.

PANCHAYAT RAJ FORM No. 7

Book no……… Receipt no…………

This is not receipt
(Triplicate)

Date……………………………………
Received from…………………………
son of…………………………………
resident of……………………………
the sum of (in words)…………………
on account of…………………………
……………………………

Rs………a……p…

Seal

Pradhan

Sarpanch

Secretary

Amin

NOTE—Sarpanches will give the number of case and nature of amount in the column 'on account of'.

PANCHAYAT RAJ FORM No. 7

Book no……… Receipt no………

This is not receipt
(Duplicate)

Date…………………………………
Received from……………………………
son of…………………………………
resident of……………………………
the sum of (in words)…………………
on account of…………………………
……………………………

Rs………a……p…

Seal

Pradhan

Sarpanch

Secretary

Amin

NOTE—Sarpanches will give the number of case and nature of amount in the column 'on 'account of'.

PANCHAYAT RAJ FORM No. 7

Book no……… Receipt no…………

This is Receipt
(Original)

Date……………………………………
Received from…………………………
son of…………………………………
resident of……………………………
the sum of (in words)…………………
on account of……………………………
……………………………

Rs………a……p…

Seal

Pradhan

Sarpanch

Secretary

Amin

NOTE—Sarpanches will give the number of case and nature of amount in the column 'on account of'.

PROCEEDINGS BOOK

Name of Gaon Sabha ______________________
Name of Nyaya Panchayat ______________________
Tahsil ______________ District ______________
Number of pages ______________________
Commencing from ______________________
Ending on ______________________

Signature of Pradhan/Sarpanch.

PANCHAYAT RAJ FORM No. 8

Form of Proceedings

Date	Name of panches/members present	Resolution no.	Business transacted	Signature of thumb-impression of panches/members
1	2	3	4	5

NOTE—Pradhan and Secretary will sign at the end of proceedings.

Register of Diet Money

Name of Nyaya Panchayat __________

Tahsil __________ District __________

Number of pages __________

Commencing from __________

Ending on __________

Signature of Sarpanch.

PANCHAYAT RAJ FORM No. 9

Register of Diet Money

No. of case	Date of deposit	By whom deposited	Amount deposited	Amount paid	To whom paid	Date of payment	Signature of Sarpanch or Panch before whom payment is made
1	2	3	4	5	6	7	8

REGISTER FOR THE PROCESSES SUMMONS AND NOTICES ISSUED OR SENT FOR SERVICE

Name of Gaon Sabha__________
Name of Nyaya Panchayat__________
Tabsil__________ District__________
Number of pages__________
Commencing from__________
Ending on__________

Signature of Pradhan/sarpanch

PANCHAYAT RAJ FORM No. 10

Register for the Process, Summons and Notices issued or sent for service

Serial no	No. of case	Name of person on whom process, summons or notice is issued	Amount of process, summons or notice fees (including cost or form, realized)		Name of person to whom sent for service	Date on which the summons, notice or process is given for service	Date of service	Date on which the process, summons or notice is returned after service	Kind of service	Amount spent for service of process, summons or notice		
			Serial no.	Amount						Amount	Voucher number	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
				Rs. a. p.						Rs. a. p.		

NOTES—(1) In column 2 after Case no. Cr., C., R. shall be written for Criminal, Civil or Revenue Case, as the case may be.
(2) Serial number of the Cash Book will be given in column 4.
(3) Serial number shall commence from 1st of April and close on 31st of March every year.

REGISTER FOR INSPECTION OF RECORDS

Name of Goan Sabha____________________

Name of Nyaya Panchayat____________________

Tahsil __________ District __________

Number of pages ____________________

Commencing from ____________________

Ending on ____________________

Signature of $\dfrac{\textit{Pradhan}}{\textit{Sarpanch}}$

PANCHAYAT RAJ FORM No. 11.

Register for Inspection of Records

Date	Signature and occupation of applicant for inspection	Proceedings or records of which inspection is sought	Capacity in which inspection is sought	Initials of official ordering inspection	Time occupied in inspection.		Amount realised as fee		Remarks.
					From	To	S. no. of Cash-book	Amount realised	
1	2	3	4	5	6		7	8	9
								Rs. a. p.	

Note.—In the remarks column serial number of Cash-book and date should be given.

PASS BOOK.

Pass Book ——————————

Year ——————————

Name of Gaon Panchayat / Nyaya Panchayat ——————————

Tahsil ——————————

District ——————————

PANCHAYAT RAJ FORM No. 12.

Pass Book

Page No.

Amount debited (Receipts)					Amount credited (Disbursements)						
Date of transaction	By whom deposited	Chalan No. date	Amount credited	Running Total	Date of transaction	To whom issued	Cheque No. date	Amount withdrawn	Balance after transaction	Signature of accountant	Signature of bankse, D. P. O. or his agent with date
1	2	3	4	5	6	7	8	9	10	11	12
			Rs. a. p.	Rs. a. p.				Rs. a. p.	Rs. a. p.		

REGISTER OF IMMOVABE PROPERTY.

Name of Gaon Sabha____________________
Name of Nyaya Panchayat____________________
Tahsil ____________District____________
Number of pages ____________________
Commencing from____________________
Ending on ____________________

Signature of *Pradhan.* / *Sarpanch.*

PANCHAYAT RAJ FORM No. 13.

Register of Immovable Property

Serial no.	Name of village to which the property belongs	Description, situation and boundaries of the property	Settlement number or number in the Nazul Register, Land Records Department	Bighas	Valuation.	Number and date of Government Order transferring the management to the Panchayat	Date of acquiring property	Mode of occupation and purpose for which used	Number and date of order authorising such occupation and the authority by whom ordered	Name of tenant or lessee, if any, and term of issue	Date of termination of lease	Rent per annum	Signature of Pradhan or Officer-in-charge of Gaon Panchayat.	If held under direct management approximate annual income and sources from which derived	Method of final disposal of property with no. and date of Government Order sanctioning sale, etc., name purchaser if any, and amount for which sold.	Date of annual verification of entries in preceding columns and signature of verifying officer.	If received in donation, the name of donar with full address and approximate value	If purchased or constructed, its value	Whether registration had been done, if yes, give registration number and date, etc.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

ASSESSMENT LIST

Name of Gaon Sabha——————————
Name of Nyaya Panchayat——————————
Tahsil ——————District——————
Notal number of pages ——————————
Commencing from ——————————
Ending on——————————

Signature of Paradhan

PANCHAYAT RAJ FORM No 14 Assessment List

				Proposed assessment								Result of appeal, if any						
Serial no.	House number	Name of assessee with father's name	Address of assessee	Description of trade, calling or profession	Amount of fee assessed	Description of land on which tax under section 37 (*i*) (*a*) (*b*) is assessed	Amount of $\frac{\text{Rent}}{\text{Revenue}}$ paid yearly	Amount of tax assessed	Description or number of buildings	Annual rental value	Amount of tax assessed	Description of other sources of taxation.	Amount assessed	Total amount of tax, rate or fee assessed	Amount reduced or enhanced (—) or (+)	Amount of tax payable	If exempted, grounds of exemption	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
					Rs. a. p.		Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.			

Notes.—(1) Persons who are not resident of the village shall be entered at the end of the list.
(2) Taxes, fees and rate shall be shown separately.

DEMAND AND COLLECTION REGISTER

Name of Gaon Sabha————————
Name of Nyaya Panchayat————————
Tahsil————————District————————
Total number of pages————————
Commencing from————————
Ending on————————

Signature of Pradhan.

PANCHAYAT RAJ FORM No. 15
Demand and Collection Register

				Demand									Collections					Remissions		Balance		
					Arrear		Demand for the year															
Serial no.	Serial no. in assessment list	Mohalla / Village (if any)	Name of assessee with his father's name	Address of assessee or his house number	Year	Amount	Tax	Fees	Rate	Total	Total demand including arrears	Date of payment	Number of receipt	Year	Amount	Total collections during the year	Number and date of order	Amount	Year	Amount	Signature	Remarks
1	2	3	4	5	6	7	8(i)	8(ii)	8(iii)	8(iv)	9	10	11	12	13	14	15	16	17	18	19	20
						Rs. a. p.	Rs. a. p	Rs. a. p.	Rs. a. p	Rs. a. p.	Rs. a. p.				Rs. a. p.	Rs. a. p.		Rs. a. p		Rs. a. p.		

FORM No. 16

Detailed Pay Bill of the Establisment of the Gaon Panchayat/Nayya Panchayat Fund for the month of 195 .

Name of incumbent	Name of post	Pay, acting and leave allowance claimed	Amount of net deductions	Amount payable	Receipt of each payee
		Rs. a. p.	Rs. a. p.	Rs. a. p.	
Total ..	...				
Deduct—Undisbursed pay refunded as detailed below and other recoveries					
Net sum required for payment (in words)					

Received contents and certified that I have satisfied myself that all salaries included in bill drawn in the month previous to this date, with the exception of those detailed below (of which the total has been deducted by deduction from this bill) have been disbursed to the proper persons and that their receipts have been taken in the pay bills with receipt stamps duly cancelled for every payment in excess of Rs. 20.

Dated……………………195 .

Pay rupees………………………………………

Dated……………………195 .

Examined and entered.

Signature of *Pradhan.*
———
Sarpanch

FORM No. 17

Deleted

FORM No. 18

Deleted

REGISTER OF DEPOSIT

Name of Gaon Sabha——————————

Name of Nyaya Panchayat——————————

Tahsil—————— ——District——————————

Number of pages——————————

Commencing from ——————————

Ending on——————————

Pradhan.
Signature of ———
Sarpanch.

PANCHAYAT RAJ FORM No. 19

Register of Deposit

Serial number	Number and date of order under which deposited	Date of deposit	Name of depositor	Purpose of deposit	Amount	Signature of Pradhan or Sarpanch	Number and date of order sanctioning return or lapse of deposit	Date of return or lapse	Name of payee	Amount	Balance	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
					Rs. a. p.					Rs, a. p.	Rs. a. p.	

FORM No. 20-A

Deleted

FORM No. 20 B

Deleted

REGISTER OF PUBLIC WORKS

Name of Gaon Sabha——————————

Name Nyaya Panchayat ——————————

Tahsil—————— District ——————

Number of pages ——————————

Commencing from——————————

Ending on ——————————

Pradhan.
Signature of ———
Sarpanch.

PANCHAYAT RAJ FORM No. 21

Register of Public Works

Name of contractor ——————————

Number and date of sanction——————————

Amount of contract of estimate—————— Name and detail of works sanctioned.

Number and date of bill	Number and page of measurement book	Quantity upto date	Name and details of work	Quantity billed for	Rate of work	Amount of bill	Progressive total of expenditure to date	Initials of Pradhan or Member	Remarks
1	2	3	4	5	6	7	8	9	10
					Rs a. p.	Rs. a. p.	Rs. a p.		

FORM No. 22

________ GOAN SABHA

Muster roll of men-employed on________(nature of work) during the month of________

Name	Father's name	Designation	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total	Rate	Amount paid	Remarks
																																		Rs. a. p.	Rs. a. p.	Rs. a. p.	

Certified that all the employees shown in the above statement were actually employed in the interest of the Goan Sabha, and that their pay entered in this muster roll was paid in my presence.

Dated ________

Signature of *Pradhan.*/*Member.*

FORM No. 23

(See rule 131)

No. of 195 , dated the of 19 .

Application for the sale no.______of/lease of plot of land in the village______district______

Name of Gaon Panchayat and tahsil	Brief description of the property and, if Nazul property, the number and date of the Government Order placing it, under the Panchayat's management	Area	Lease or sale	Rent or price	To whom	Proposed period	Remarks
		A. R. P.		Rs. a. p.			

FORM No. 24

Decree in Civil Suit no. of decided by the Nyaya Panchayat

Plaintiff ... ... versus ... ... Defendant.

Date of institution

Claim for

This suit coming on this day for final disposal before the Nyaya Panchayat ______ in the presence of the plaintiff/plaintiff's agent and/or the defendant/defendant's agent, it is ordered that ______ do pay to the ______ the sum of Rs. ______.

Given under my hand and seal of the Nyaya Panchayat this ______ day of ______ 195______.

(*Signature of the Sarpanch*).
Nyaya Panchayat.

Cost of the suit

Plaintiff			**Defendant**		
		Rs. a. p.			Rs. a. p.
1. Court-fees	..		1. Court-fees on applications	..	
2. Other fees or charges	..		2. Other fees or charges	..	
3. Substance for witnessess	..		3. Subsistence for witnesses	..	
4. Service of process	..		4. Service of process	..	
5. Miscellaneous			5. Miscellaneous	..	
Total	..		Total	..	

STOCK BOOK

Name of Gaon Sabha ——————
Name of Nyay a Panchayat——————
Tahsil ——————District——————
Number of pages ——————
Commencing from——————
Ending on ——————

Signature of $\frac{\textit{Pradhan.}}{\textit{Surpanch.}}$

PANCHAYAT RAJ FORM No. 25

Stock Book

Stock book of dead stock and furniture / live stock and consumable and perishable stores. ——————for the office of the——————

Name and description of articles——————(Chairs, almirahas, etc.)

Date of receipt	Number of pieces	Initial cost (purchase price)	Initials of officer-in-charge	Date of inspection	Remarks about the conditions of the articles, etc. as found at time of inspection. Orders regarding condemnation	Details, and number of articles, property, pieces disposed off	Date of disposal	Value realised	Serial number and date of cash-book where accounted for		Initials of officer-in-charge	Remarks (regarding reference to papers etc.)
									Serial number	Date		
1	2	3	4	5	6	7	8	9	10(*a*)	10(*b*)	11	12

Note—Separate pages shall be allotted for perishable and dead stock.

FORM No. 26

Receipt for reporting Birth

Book no. ____________ Receipt no. ____________

Name of Gaon Sabha ____________

1. Date and time of birth ____________
2. Place of birth (village and mohalla) ____________
3. Whether still-born ____________
4. Name of child ____________
5. Name of father or mother ____________
6. Sex ____________
7. Caste ____________
8. Professor of parents ____________
9. Name of person reporting birth ____________
10. Signature of Pradhan/Secretary of Goan Sabha ____________

Note—In case of registration of child-birth without name, it shall be the duty of the head of family to report the name of the child to Pradhan/Secretary of Gaon Sabha within eight months.

FORM No. 26

Receipt for reporting Birth

Book no. ____________ Receipt no. ____________

Nam of Gaon Sabha ____________

1. Date and time of birth ____________
2. Date of birth (village and mohalla) ____________
3. Whether still-born ____________
4. Name of child ____________
5. Name of father or mother ____________
6. Sex ____________
7. Caste ____________
8. Profession of parents ____________
9. Name of persons reporting birth ____________
10. Signature of Pradhan/Secretary of Gaon Sabha ____________

Note—In case of registsaion of child-birth without name, it shall be the duty of the head of family to report the name of the child to Pradhan/Secretary of Goan Sabha within eight months.

FORM NO. 26-A

Receipt for reporting death

Book no. ______ Receipt no. ______

Name of Gaon Sabha ______

1. Date and time of death ______
2. Place of death (village and mohalla) ______

______

3. Name of deceased, and name of his/her father, husband, or guardian ______
4. Sex ______
5. Caste and profession ______
6. Age ______
7. Cause of death ______
8. Place of cremation or burial ______
9. Name of person reporting death ______
10. Signature of Pradhan/Secretary of Gaon Sabha ______

Note—If the deceased be a Pradanasheen woman, the entry of her name shall not be necessary. It will be sufficient to enter the relation which she bears to the head of her family.

FORM NO. 26-A

Receipt for reporting death

Book no. ______ Receipt no. ______

Name of Gaon Sabha ______

1. Date and time of death ______
2. Place of death (village and mohalla) ______

______

3. Name of deceased, and name of his/her father, husband, or guardian ______
4. Sex ______
5. Caste and profession ______
6. Age ______
7. Cause of death ______
8. Place of cremation or burial ______
9. Name of person reporting death ______
10. Signature of Pradhan Secretary of Gaon Sabha ______

Note—If the deceased be a Pardanasheen woman, the entry of her name shall not be necessary. It will be sufficient to enter the relation which she bears to the head of her family.

FORM NO. 27

Deleted

FORM NO. 28

Notice

Sri ______ son of ______ resident of village ______ post office ______ of district ______ is hereby required to deposit a sum of Rs. ______ annas ______ pies ______ within fifteen days of the receipt of this notice for obtaining a licence under section 37 of the U. P. Panchayat Raj Act, and rule 221 framed thereunder as resolved by the Gaon Panchayat ______ by resolution no. ______ date ______ for carrying on the trade, callings and professions etc. ______ within its jurisdiction and as tax/rate on ______ for the current financial year 19______.

Dated ______ *19* .

Signature of Pradhan.

FORM NO. 29

Licence Form

(1) Name of the Gaon Sabha———————
(2) Licence number ———————
(3) Name of Licencee———————
(4) Father's name ———————
(5) Address ———————
(6) Nature of trade, callings or professions etc.———————
(7) Period for which licence is issued———————
(8) Licence fee charged
(9) Date ———————

Signature... ... ...
Secretary.

Signature... ... ...
Pradhan.

P. R. D. FORM NO. 30

Birth Account... ... ...in circle of... ... ...Police Station... ... ...

Date	Name of the village or mohalla	Father's name	Christians				Hindu		Mohammadans		Other classes		Total	
			Europeans Eurasians		Indians									
			Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
1	2	3					4						5	

PANCHAYAT RAJ FORM NO. 31

		Name of the deceased and cause of death				Caste of the deceased														
						Christian														
Date of death	Name of the village and mohalla in which death occurred	Name	Age	Cause of death	Name of father or husband and caste	European and Anglo-Indian	Indian	Mohammadan	Hindu	Other Classes	Cholera	Small-pox	Plague	Malaria	Enteric fever	Measles	Relapsing fever	Kala Azar	Influenza	Cerebro Spinal fever
						MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF

			Dysentry and Diarrhoeas		Respiratory Diseases				Injuries						All other causes												
Typhus fever	Black water fever	Other fever	Dysentry	Diarrhoea	Pneumonia	Pulmonary tuberculosis	Whooping cough	Other respiratory diseases	Suicide	Wounds	Accidents	Snake-bite	Killed by Wild beast	Rabies	Beri Beri	Acute Poliomyelitites	Diphtheria	Chicken-pox	Mumps	Tuberculosis of joints	Other tubercular diseases	Leprosy	Cancer	Death from child-birth	Other causes	Total	Total death in the circle
MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	MF	M F	M F	M F	M F	M F	M F	M F	M F	M F

Age at the time of death																																																	
Within twenty-four hours										Under one week										Under one month										Total										Under one year									
				Christian										Christian										Christian										Christian						Between two to three months									
																																												Christian					
Hindu		Mohammadan		European and Anglo-Indian		Indian		Other Classes		Hindu		Mohammadan		European and Anglo-Indian		Indian		Other classes		Hindu		Mohammadan		European and Anglo-Indian		Indian		Other classes		Hindu		Mohammadan		European and Anglo-Indian		Indian		Other classes		Hindu		Mohammadan		European andAnglo-Indian		Indian		Other classes	
M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F

Age at the time of death																							
Under one year																							
Between four to six months					Between seven to twelve months					Total													
		Christian					Christian					Christian											
Hindu	Mohammadan	European and Anglo-Indian	Indian	Other classes	Hindu	Mohammadan	European and Anglo-Indian	Indian	Other classes	Hindu	Mohammadan	European and Anglo-Indian	Indian	Other classes	One year and under 5 years	5 years and under 10 years	10 years and under 15 years	15 years and under 20 years	20 years and under 30 years	30 years and under 40 years	40 years and under 50 years	50 years and under 60 years	60 years and upwards
M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F	M F

Reports of deaths from Small-pox—————

Under one year—————

One year and under 5 years—————

5 years and under 10 years—————

10 years and upwards—————

PANCHAYAT RAJ FORM NO. 32

Extract from the register of deaths in the ______________ Circle for the month of ______________ 195 .

The ______________ 195 .

Signature of compiler ______________

Extract from the register of deaths in the ______________ Circle for the month of ______________ 195 .

Cause of death	Class		Male	Female	Total
Cause of death	Class	Christian — European and Anglo-Indian			
		Christian — Indian			
		Mohammadan			
		Hindu			
		Other classes			
		(A) Total of all classes			
		Cholera			
		Small-pox			
		Plague			

				Male	Female	Total
Under one year	Neonatal death	Within first 24 hours after birth	Hindu			
			Mohammadan			
			Christian — European and Anglo-Indian			
			Christian — Indian			
			Other classes			
		After 24 hours to the end of the first week	Hindu			
			Mohammadan			
			Christian — European and Anglo-Indian			
			Christian — Indian			
			Other classes			

	Male	Female	Total
1 year and under 5 years			
5 years and under 10 years			
10 years and under 15 years			
15 years and under 20 years			
20 years and under 30 years			
30 years and under 40 years			
40 years and under 50 years			
50 years and under 60 years			
60 years and upwards			
(C) Total of all ages			

PANCHAYAT RAJ FORM No. 32—(contd).

Extract from the register of deaths in the ________ Circle for the month of ________ 195 .

The ________ 195 . *Signature of compiler* ________

Extract from the register of deaths in the ________ Circle for the month of ________ 195 .

		Male	Female	Total
Fevers	Malaria			
	Enteric Fever			
	Measles			
	Relapsing Fever (Spiro-chaotal)			
	Kala Azar			
	Ifluenza			
	Cerebro-Spinal Fever			
	Typhus Fever			
	Black water Fever			
	Other Fevers			
Dysentery & Diarrhoea	Dysentery			
	Diarrhoea			

				Male	Female	Total
Neonatal death	From the beginning of the second week to end of the first month	Hindu				
		Mohammadan				
		Christian	European and Anglo-Indian			
			Indian			
		Other classes				
	Total	Hindu				
		Mohammadan				
		Christian	European and Anglo-Indian			
			Indian			
		Other classes				

	Male	Female	Total
(C) Total of all age			

Cause of death	Pespiratary diseases	Pneumonia			
		Pulmonary tuberculosis			
		Whooping			
		Other respiratory diseases			
	Injuries	Suicide			
		Wounds			
		Accidents			
		Snake-bite			
		Killed by wild beast			
	All other causes	Rabies			
		Beri-beri			
		Acute Poliomyelities			
		Diphtheria			
		Chicken-pox			
		Mumps			
		Tubercular of joints			
		Other tuberculosis diseases			
		Leprosy			
		Cancer			
		Deaths from child birth			
		Other causes			
		(B) Total of all causes			

Under one year	Age at time of death	During the second and third month	Hindu				
			Mohammadan				
			Christian	European and Anglo-Indian			
				Indian			
			Other classes				
		During four to six months	Hindu				
			Mohammadan				
			Christian	European and Anglo-Indian			
				Indian			
			Other classes				
		During seven to twelve month	Hindu				
			Mohammadan				
			Christian	European and Anglo-Indian			
				Indian			
			Other classes				
		Total	Hindu				
			Mohammadan				
			Christian	European and Anglo-Indian			
				Indian			
			Other classes				
		Total under one year					
		N. B.—Total (A), (B) and (C) must correspond with each other					

Statement of mortality from Cholera, Small-pox, Plague, Fevers, Dysentery and Diarrhoea, and Respiratory diseases in the manth of————————195 .

Name of village	Population	Deaths from Cholera	Deatos from Small-pox	Deaths from Plague	Deaths from Fevers	Deaths from Dysentery and Diarrhoea	Deaths from respiratory diseases	Of these
								——were deaths of infants under 1 year of age ———were deaths of children of 1 and under 10 years of age ———were deaths of persons of 10 and above 10 years Total———

P. R. D. FORM No. 33

Monthly Return of Births

For the month of ——195 . In the Panchayat Inspector Circle——

Number of Births registered——

Birth—— District——

Stillborn—— Date——195 . Signature——

P. R. D- Form No. 33.

Monthly Return of Births

For the month of————195 .

Panchayat Inspector————

District————

	Number of births registered																	
	Christians																	
	Europeans, Eurasians and Anglo-Indian			Indians			Hindu			Mohammadans			Other Classes			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Birth																		
* Still Born																		

*Stillborn means born dead.

Date————195 .

Signature————

Designation————

P. R. D. FORM No. 34
Panchayat Raj Circle

Police Station ——————— District ——————— ———Weekly statement of Plague,
Cholera and Small-pox for the week ending——————————— 195 .

Name of disease	Date of illness	Name of the village	Distance and direction from the Police Station	Total number of patients of the week	Total number of deaths in the week	Remarks if any

Signature and date———————

P. R. D. FORM No. 35
Panchayat Raj Circle

Report of Cholera/Small-pox and Plague
Police Station——————

District ———
Date——————195 .

Date of out break	Name of the village	Distance from the Police Station and Direction	Number		Remarks (Here write whether patients were local residents or outsiders)
			Victims	Deaths	
			1. Cholera		
			2. Small-Pox		
			3. Plague		

Signature ——————.

Register of Registration of marriages

Name of Gaon Sabha————————

Tahsil————————

District————————

Number of pages————————

Commencing from————————

Ending on————————

Signature of Pradhan————

PANCHAYAT RAJ FORM No. 36

Register of Registration of Marriages

Serial number	Date of registration	Name of husband	Name of husband's father	Place of residence and address	Religion	Caste
1	2	3	4	5	6	7

Date of birth	Name of wife	Name of wife's father	Place of residence	Religion	Caste	Date of birth
8	9	10	11	12	13	14

Virgin widow or divorced	Place of marriage	Date of marriage	Form of marriage	Name of person who performed the marriage ceremony with his full address	Name of two witnesses who saw the performance of the marriage with their father's name and full address	Signature or thumb impression of husband and wife	Remarks
15	16	17	18	19	20	21	22

FORM

PANCHAYAT RAJ FORM No. 37

Certificate of Registration of Marriages

I__________ ______ Pradhan of Gaon Sabha__________ ______ Tahsil__________ District__________ do hereby certify that the marriage between__________ __________and__________ ______ which is said to have been the performed on__________at ______ __________was registered in this Gaon Sabha__________ ______ at serial number__________ and this certificate is being issued in token of the above registration. Full details of parties is given overleaf.

*Signature of Pradhan*__________

*Date*__________

Extract from register of marriage

Name of Gaon Sabha__________ ______

Name of Nyaya Panchayat__________ ______

Tahsil__________ ______

District__________ ______ ______

Serial number	Date of registration	Name of husband	Name of husband's father	Place of residence and address	Religion	Caste
1	2	3	4	5	6	7

Date of birth	Name of wife	Name of wife's father	Place of residence and address	Religion	Caste	Date of birth
8	9	10	11	12	13	14

Virgin, widow or divorced	Place of marriage	Date of marriage	Form of marriage	Name of person who performed the marriage ceremony with his full address	Name of two witnesses who saw the performance of the marriage with their father's name and full address	Remarks
15	16	17	18	19	19	21

FORM

General Ledger of Gaon Sabha

Name of $\frac{\text{Gaon Sabha}}{\text{Naya Panchayat}}$

Tahsil—————————

District—————————

Commencing from —————————

Ending on—————————

Total number of pages—————————

Signature of $\frac{\text{Pradhan}}{\textit{Sarpanch}}$

PANCHAYAT RAJ FORM No. 38

Index—————————

Serial number—————————

Description of Khata—————————

Page number—————————

Khata number

Description of Khata

INCOME			EXPENDITURE (if any)			
Date	Serial no. of cash-book	Amount	Date	Serial number of cash-book	Expenditure	Remarks
1	2	3	4	5	6	7
		Rs. a. p.			Rs. a. p.	

PANCHAYAT RAJ FORM No. 39

Order Sheet

Number of order	Date	Order passed	How the order has been communicated to the parites	Remarks
1	2	3	4	5

FORM No. 40

Form of application for land acquisition

Name of Gaon Sabha ——————————

Tahsil —————————— District ——————

Description of land	Plot no.	Area	Whether any religious buildings, tombs or grave yards above situate on the land and their demolition will be necessary	Whether any alternate site is available in the vicinity. If yes, give details	Resolution no. with date	Whether private negotiations to purchase the land were made and have failed

Signature of Pradhan.

NOTE.—A copy of the resolution of the Gaon Panchayat should be enclosed with the application.

By order,
B. D. SANWAL, *Secretary.*

Selected books of importance at a Glance

			Rs.	a.
1.	MOTI LAL—Commentaries on Criminal Procedure Code in 2 Vols. (pages 1400 Royal)	1956	25	0
2.	AGARWALA—All India Sales Tax Digest, in 2 Vols.	1956	25	0
3.	SAXENA—Law of Arms and Explosives with rules (with supplement upto Sept, 1956)	1956	10	0
4.	KISHORE—Law of Criminal Abetment	1953	6	8
5.	GOPAL—Prevention of Food Adulteration Act with Rules	1955	2	8
6.	S.K AGARWALA—Law & Practice relating to U. P. Sales Tax Act, 2nd Ed, Pages about 500 Royal	1956	In press	
7.	AIYER—Cross-Examination		20	0
8.	GOPAL—Major Criminal Acts (Containing Cr. P. C., I. P. C. and Evidence Act)	1956	7	0
9.	GOPAL—Indian Police Acts	1955	2	8
10.	L. Prasad—U. P. Panchayat Raj Act	1956	5	8
11.	PRAKASH—U. P. Zamindari Abolition & Land Reforms Act with Rules	1956	10	0
12.	PRAKASH—U. P. Criminal Manual (containing about 80 U. P. Criminal Acts with Rules)	1955	10	0
13	CHAUDHARY—U. P. Land Revenue Act	1955	6	8
14.	SAXENA—U. P. Police Regulations	1955	6	8
15.	SAXENA—Encyclopaedia of Labour Laws	1954	10	0
16.	GROVER—U. P. Sales Tax Act with Rules	1956	3	8
17.	GOPAL—U. P. Rent Control Act	1955	2	8
18.	GUPTA—Agricultural Income Tax Act with Rules—3rd Ed.	1956	3	0
19.	SAXENA—Public International Law	1955	8	0
20	SINGH—Constitution of India	1956	5	0
21.	TEWARI—Jurisprudence	1954	6	0
22.	SAXENA & GOEL—U.P Rent Control Act	1955	10	0
23.	PRAKASH—U. P. Rent Control Digest	1955	2	8
24.	PRAKASH—Indian Railways Act	1956	12	8
25.	S. PRAKASH—U. P. Consolidation of Holdings Act with Rules	1956	In Press.	
26.	U. P. Consolidation of Holdings Act & Rules	1956	2	8
27.	S Prakash : U. P. Zamindari Abolition and Land Reforms Act as amended by Act No. XVIII of 1956	1956	2	8
28.	CHAUDHARY, V.K S.—Hindu Succession Act	1956	In press	

Central Law Agency

11, UNIVERSITY ROAD, ALLAHABAD-2

Midha Press, Allahabad-3.